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MICHIGAN

School Law with Decisions

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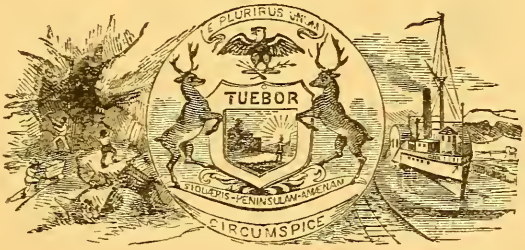
Superintendent of Public Instruction and Supreme Court.



. . COMPILED BY . .

MYRON T. DODGE.

SAGINAW, MICH.
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PREFACE.

The object aimed at in the preparation of this book has been to compile the school law of Michigan in as complete and compact a manner as the subject matter will admit; to arrange the materials at hand in such a way as to make the book as interesting and practical for teachers as may be, law being a dry subject at its best, to all except the devoted student of law. Owing to the entire absence of a book of the kind, the conviction of the usefulness and necessity of the same and the importunities and encouragements of teachers and friends of education has led to the compilation. My first intention was to arrange a work to include only the more prominent points of the school law. However, it was found necessary to arrange the entire text; as any portion omitted would be sure to contain a point of law desired at some time.

It will be a source of great pleasure and satisfaction if I have succeeded by means of this book, in placing before the teachers the entire school law of Michigan in such a manner as to be available and reliable.

M. T. D.

CHAPTER XVII.—State Certificates to Teachers..... 78
" XVIII.—Teachers' Associations..... 78
" XIX.—Safe Keeping of Public Moneys..... 79
" XX.—Compulsory Education of Children..... 79
" XXI.—Compulsory Reformatory Education of Juvenile Disorderly Persons..... 81
" XXII.—Regulating the Employmnt of Children.... 85
" XXIII.—To Prevent Crime and Punish Truancy.... 87
" XXIV.—Free Text Books..... 89
NOTE.—Appo.tionment of Surplus Dog Tax to Districts..... 92
ACT No. 119.—Authorizing the Introduction of Kindergarten Work in the Public Schools of Michigan..... 93
" 144.—Authorizing the Faculty of the University of Michigan to Grant Teachers' Cirtificates in Certain Cases..... 94
ACT No. 327.—Authorizing Trustees of Certain Colleges to Grant Teachers' Certificates..... 95

DIGEEST OF DECISIONS.

Township Board of School Inspectors.. 97
Appeals From Action of School Inspectors..... 98
Township Board..... 99
Organization of School Districts..... 101
District Moneys, Warrants and Orders..... 105
Teachers' Contracts and Certificates..... 110
Liabilities of Districts..... 113
Tuition of non-Resident Pupils..... 116
Admission of Colored Children to Schools..... 116
School Sites and School-Houses..... 116
Graded and High Schools..... 120
Library Moneys..... 121
Miscellaneous..... 122
Questions Answered..... 125

CONTENTS.

CONSTITUTONAL PROVISIONS.

	PAGE.
ARTICLE VIII.—State Officers	5
" XIII.—Education	5

STATUTORY PROVISIONS.

CHAPTER I.—Superintendent of Public Instruction	9
" II.—Formation, Alteration, Meetings and Powers of Districts	12
" III.—District Board and Officers	21
" IV.—Township Officers	33
" V.—County Clerk and Treasurer	40
" VI.—Bonded Indebtedness of District	41
" VII.—Suits and Judgments Against Districts	43
" VIII.—Sites for School Houses	44
" IX.—Appeals from Action of Inspectors	51
" X.—Graded School Districts	53
" XI.—Libraries	56
" XII.—Examination of Teachers and Supervision of Schools	60
" XIII.—Penalties and Liabilities	69
" XIV.—Election of School Inspectors	72
" XV.—Teachers' Institutes	73
" XVI.—Normal School Diplomas and Certificates	76

MICHIGAN SCHOOL LAW

CONSTITUTIONAL PROVISIONS.

ARTICLE VIII.

STATE OFFICERS.

SECTION 1. There shall be elected at each biennial election, a secretary of state, a superintendent of public instruction, a state treasurer, commissioner of the land office, an auditor general, and an attorney general, for the term of two years. They shall keep their offices at the seat of government, and shall perform such duties as may be prescribed by law.

SEC. 2. Their term of office shall commence on the first day of January, one thousand eight hundred and fifty-three, and of every second year thereafter.

SEC. 3. Whenever a vacancy shall occur in any of the State offices, the governor shall fill the same by appointment, by and with the advice and consent of the senate, if in session.

ARTICLE XIII.

EDUCATION.

SECTION 1. The superintendent of public instruction shall have the general supervision of public instruction, and his duties shall be prescribed by law.

When are State officers to be elected? Where must they keep their offices? What is their term of office? How are vacancies filled? What general supervision has the superintendent of public instruction, and how are his duties prescribed?

SEC. 2. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the State for educational purposes, and the proceeds of all lands or other property given by individuals, or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

SEC. 3. All lands, the titles to which shall fail from a defect of heirs, shall escheat to the State; and the interest on the clear proceeds from the sales thereof shall be appropriated exclusively to the support of primary schools.

SEC. 4. The legislature shall, within five years from the adoption of this constitution, provide for and establish a system of primary schools, whereby a school shall be kept without charge for tuition, at least three months in each year, in every school district in the State; and all instruction in said schools shall be conducted in the English language.

SEC. 5. A school shall be maintained in each school district at least three months in each year. Any school district neglecting to maintain such school shall be deprived for the ensuing year of its proportion of the income of the primary school fund, and of all funds arising from taxes for the support of schools

SEC. 6. There shall be elected in the year eighteen hundred and sixty-three, at the time of the election of a justice of the supreme court, eight regents of the university, two of whom shall hold their office for two years, two for four years, two for six years, and two for eight years. They shall enter upon the duties of their office on the first of January next succeeding their election. At every regular election of

The primary school fund is derived from what source? What is said of escheats? How were free schools established? In what language shall all instruction be conducted? How long must a district school be maintained in each district during the year? What penalty for failing to maintain the school for this period of time? What is said of the election of regents of the university?

a justice of the supreme court thereafter, there shall be elected two regents whose term of office shall be eight years. When a vacancy shall occur in the office of regent, it shall be filled by appointment of the governor. The regents thus elected shall constitute the board of regents of the university of Michigan.

SEC. 7. The regents of the university, and their successors in office, shall continue to constitute the body corporate known by the name and title of "The regents of the university of Michigan."

SEC. 8 The regents of the university shall, at their first annual meeting, or as soon thereafter as may be, elect a president of the university, who shall be *ex officio* a member of their board, with the privilege of speaking, but not of voting. He shall preside at the meetings of the regents, and be the principal executive officer of the university. The board of regents shall have the general supervision of the university, and the direction and control of all expenditures from the university interest fund.

SEC. 9. There shall be elected at the general election in the year one thousand eight hundred and fifty-two, three members of a State board of education; one for two years, one for four years, and one for six years; and at each succeeding biennial election there shall be elected one member of such board, who shall hold his office for six years. The superintendent of public instruction shall be *ex officio* a member and secretary of such board. The board shall have the general supervision of the State normal school, and their duties shall be prescribed by law.

SEC. 10. Institutions for the benefit of those inhabitants who are deaf, dumb, blind or insane, shall always be fostered and supported.

What is their term of office? How are vacancies filled? Are the regents a corporate body? How is the president of the university elected? What are his duties? What are the duties of the regents? What is said of the election of a State board of education? What is their term of office? Is the superintendent of public instruction a member of the board? Over what public school have they charge and how are their duties prescribed? What is said of fostering and supporting asylums?

SEC. 11. The legislature shall encourage the promotion of intellectual, scientific and agricultural improvement; and shall, as soon as practicable, provide for the establishment of an agricultural school. The legislature may appropriate the twenty-two sections of salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have been already sold, and any land which may hereafter be granted or appropriated for such purpose, for the support and maintenance of such school, and may make the same a branch of the university, for instruction in agriculture and the natural sciences connected therewith, and place the same under the supervision of the regents of the university.

SEC. 12. The legislature shall also provide for the establishment of at least one library in each township and city; and all fines assessed and collected in the several counties and townships for any breach of the penal laws, shall be exclusively applied to the support of such libraries, unless otherwise ordered by the township board of any township, or the board of education of any city: *Provided*, That in no case shall such fines be used for other than library or school purposes.

JOINT RESOLUTION, No. 10.

Amendment to section one, of article nine, of the constitutions, 1893.

The Superintendent of Public Instruction shall receive an annual salary of $2,000.

What is said of the agricultural school? How shall it be maintained? Under whose supervision was it placed? What is said of libraries? How are they to be maintained? What salary does the Superintendent of Public Instruction receive?

STATUTORY PROVISIONS.

Act No 164, Laws of 1881, as amended by Session Laws of 1883, 1885, 1887 and 1889.

CHAPTER I.

THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

(§1.) SECTION 1. *The People of the State of Michigan enact,* That the superintendent of public instruction shall have general supervision of public instruction and of all State institutions, other than the university, that are essentially educational in their character, and it shall be his duty, among other things, to visit the university, the agricultural college, the institution for the deaf and dumb, the school for the blind, the reform school, the reform school for girls, and the public school for dependent and neglected children, and to meet with the governing boards of each of said institutions at least once in each year. He shall also prepare annually, and transmit to the governor, to be by him transmitted to the legislature at each biennial session thereof, a report containing :

First, A statement of the condition of the university and of each of the several State educational institutions, all incorporated institutions of learning, and the primary, graded and high schools ;

Second, Estimates and amounts of expenditures of all educational funds ;

Third. Plans for the management of all educational funds, and for the better organization of the educational system, if, in his opinion, the same be required ;

Fourth, The annual reports and accompanying documents, so far as he shall deem the same of sufficient public interest, of all State institutions of educational character ;

Mention some of the powers and duties of the superintendent of public instruction? How often and to whom shall he make a report ?

Fifth, Abstracts of the annual reports of the school inspectors of the several townships and cities of the State ;

Sixth, All such other matter relating to his office and the subject of education generally as he shall deem expedient to communicate.

(§2.) SEC. 2. He may appoint a deputy superintendent of public instruction and revoke such appointment in his discretion, and such deputy shall take the constitutional oath of office, which with his appointment shall be filed with the secretary of state. Said deputy may execute the duties of the office in case of a vacancy or the absence of the superintendent.

(§3.) SEC. 3. The superintendent of public instruction shall compile and cause to be printed all general laws relating to schools, together with all necessary forms, regulations, and instructions for conducting all proceedings under said laws, or relative to the organization and government of the schools, including rules and regulations for the management of township and district libraries, and shall transmit the same to the several officers intrusted with the care and management of said schools.

(§4.) SEC. 4. He shall semi-annually, on receiving notice from the auditor general of the amounts thereof, and between the first and tenth days of May and November, apportion the primary school interest fund among the several townships and cities of the State, in proportion to the number of children in each between the ages of five and twenty years, as the same shall appear by the reports of the several boards of school inspectors made to him for the school year closing prior to the May apportionment, and shall prepare a statement of the amount in the aggregate payable to each county, and shall deliver the same to the auditor general, who shall thereupon draw his warrant upon the State treasurer in favor

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Mention some of the contents of the report. Who may appoint a deputy superintendent? When may the deputy execute the duties of the office of the superintendent? What is said in regard to compiling the school laws? Who may receive copies of said compilation? When is the primary money apportioned?

of the treasurer of each county for the amount payable to each county. He shall also send written notices to the clerks of the several counties of the amount in the aggregate to be disbursed in their respective counties, and the amount payable to the townships and cities therein respectively.

(§5.) SEC. 5. Whenever the returns from any county, township, city, or district, upon which a statement of the amount to be disbursed or paid to any such county, township, city, or district shall be so far defective as to render it impracticable to ascertain the share of primary school interest fund which ought to be disbursed or paid to such county, township, city, or district, he shall ascertain by the best evidence in his power the facts upon which the ratio of such apportionment shall depend, and shall make the apportionment accordingly.

(§6.) SEC. 6. Whenever any county, township, city, or district, through failure or error in making the proper report, shall fail to receive its share of the primary school interest fund, the superintendent of public instruction, upon satisfactory proof that said county, township, city, or district was justly entitled to the same, shall apportion such deficiency in his next apportionment; and whenever it shall appear to the satisfaction of said superintendent that any district has had three months' school, but failed to have the full time of school required by law, through no fault or negligence of the district or its officers, he may include such district in his apportionment of the primary school interest fund in his discretion.

(§7.) SEC. 7. The superintendent of public instruction shall perform such other duties as are or shall be required of him by law, and at the expiration of his term of office deliver to his successor all property, books, documents, maps, records, reports, and all other papers belonging to his office, or which may have been received by him for the use of his office.

What notice is the county clerk to receive? Mention the proceedings in case of defective returns. In case of a deficiency can a district receive its apportionment next year? Mention other duties of the superintendent?

CHAPTER II.

FORMATION, ALTERATION, MEETINGS, AND POWERS OF DISTRICTS.

(§8.) SECTION 1. The township board of school inspectors shall divide the township into such number of school districts as may from time to time be necessary, which districts they shall number, and they may regulate and alter the boundaries of the same as circumstances shall render proper, subject to the provisions hereinafter made; but no district shall contain more than nine sections of land, and each district shall be composed of contiguous territory, and be in as compact a form as may be.

(§9) SEC. 2. Whenever the board of school inspectors of any township shall form a school district therein, it shall be the duty of the clerk of such board to deliver to a taxable inhabitant of such district a notice in writing of the formation of such district; describing its boundaries, and specifying the time and place of the first meeting, which notice, with the fact of such delivery, shall be entered upon record by the clerk. The said notice shall also direct such inhabitant to notify every qualified voter of such district, either personally or by leaving a written notice at his place of residence, of the time and place of said meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the qualified voters of said district accordingly, and said inhabitant, when he shall have notified the qualified voters as required in such notice, shall indorse thereon a return, showing such notification with the date or dates thereof, and deliver such notice and return to the chairman of the meeting, to be by him delivered to the director chosen at such meeting, and by said director recorded at length as a part of the records of such district.

What board may form districts? Who may alter the boundaries of districts? How large may a district be? In what form? Who must give notice of the formation of a district and to whom? Is an inhabitant to serve notice of first meeting? To whom is the notice to be returned? By whom recorded?

(§10.) SEC. 3. In case the inhabitants of any district shall fail to organize the same in pursuance of such notice as aforesaid, the said clerk shall give a new notice in the manner hereinbefore provided, and the same proceedings shall be had thereon as if no previous notice had been delivered.

(§11.) SEC. 4. Whenever it shall be necessary or convenient to form a district from two or more adjoining townships, the inspectors, or a majority of them, of each of such adjoining townships, may form such district, to be designated as a fractional district, and direct which township clerk shall make and deliver the notice of the formation of the same to a taxable inhabitant thereof, and may regulate and alter such district as circumstances may render necessary in the same manner that other districts are altered. The annual reports of the director of such district shall be made to the inspectors of the township in which the school-house may be situated, and the inspectors of such township shall number said district.

(§12.) SEC. 5. Every such school district shall be deemed duly organized when any two of the officers elected at the first meeting shall have filed their acceptances in writing with the director, and the same shall have been recorded in the minutes of such first meeting. Every school district shall, in all cases, be presumed to have been legally organized when it shall have exercised the franchises and privileges of a district for the term of two years; and such school district and its officers shall be entitled to all the rights, privileges, and immunities, and be subject to all the duties and liabilities conferred upon school districts by law.

(§13.) SEC. 6. The record of the first meeting made by the director shall be *prima facie* evidence of the facts therein set forth, and of the legality of all proceedings in the organization of the district prior to the first district meeting; but

In case of failure to organize, give proceedings? How are fractional districts formed? To whom is a director of a fractional district to report? When is a district deemed organized? What is the presumption of legal organization? What evidence is the director's record of the first meeting?

nothing in this section contained shall be so construed as to impair the effect of the record kept by the school inspectors, as evidence.

CORPORATE POWERS OF DISTRICTS.

(§14.) SEC. 7. Every school district organized in pursuance of this chapter, or which has been organized and continued under any previous law of the State or territory of Michigan, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "School District Number —— (such number as shall be designated in the formation thereof by the inspectors), of ——" (the name of the township or townships in which the district is situated), and in that name shall be capable of suing and being sued, of contracting and being contracted with, and of holding such real and personal estate as is authorized to be purchased by the provisions of law, and of selling the same.

ALTERATION OF DISTRICTS.

(§15.) SEC. 8. Whenever the board of school inspectors shall contemplate an alteration of the boundaries of a district, the township clerk (and for meetings of boards to act in relation to fractional districts, clerks of the several townships interested) shall give at least ten days' notice of the time and place of the meeting of the inspectors, and the alterations proposed, by posting such notice in three public places in the township or townships, one of which notices shall be in each of the districts that may be affected by such alteration. Whenever the board of school inspectors of more than one township meet, they shall elect one of their number chairman, and another clerk thereof.

(§16.) SEC. 9. The inspectors may, in their discretion, detach the property of any person or persons from one district and attach it to another; except that no land which has

Is a school district a body corporate? How is it designated? Mention the powers of a school district? How may the boundaries of a district be altered? Give the time and place of notice. Have inspectors powers to alter districts?

been taxed for building a school-house shall be set off into another school district for the period of three years thereafter, except by consent of the owner thereof; and no district shall be divided into two or more districts without the consent of a majority of the resident tax-payers of said district, and no two or more districts be consolidated without the consent of a majority of the resident tax-payers of each district.

(§17.) SEC. 10. The inspectors may attach to a school district any person residing in a township, and not in any organized district, at his request; and for all district purposes except raising a tax for building a school-house, such person shall be considered as residing in such district; but when set off to a new district, no sum shall be raised for such person as his proportion to the district property.

(§18.) SEC. 11. In all cases where an alteration of the boundaries of a school section shall be made, the township clerk shall, within ten days, deliver to the director of each district affected by the alteration a notice in writing, setting forth the action of the inspectors and defining the alterations that have been made.

DIVISION OF PROPERTY.

(§19.) SEC. 12. When a new district is formed in whole or in part, from one or more districts possessed of a school-house, or entitled to other property, the inspectors at the time of forming such new district, or as soon thereafter as may be, shall ascertain and determine the amount justly due to such new district from any district out of which it may have been in whole or in part formed, as to the proportion of such new district, of the value of the school-house and other property beloning to the former district, at the time of such division; and whenever by the division of any district, the school-house or site thereof shall no longer be conveniently

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Must the consent of the tax-payers be obtained? In certain cases may persons out of districts be attached thereto? To whom is the township clerk to give notice of the alterations in districts? When a district is divided, how is the property to be portioned?

located for school purposes, and shall not be desired for use by the new district in which it may be situated, the school inspectors of the township in which such school-house and site shall be located, may advertise and sell the same, and apportion the proceeds of such sale, and also any moneys belonging to the district thus divided, among the several districts erected in whole or in part from the divided district.

(§20.) SEC. 13. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence in the power of the inspectors; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion: *Provided*, That no real estate thus set off, and which shall not have been taxed for the purchase or building of such school house, shall be entitled to any portion thereof, nor be taken into account in such division of district property.

DISTRICT MEETINGS.

(§21.) SEC. 14. The annual meeting of each shool district shall be held on the first Monday of September in each year, and the school year shall commence on that day: *Provided*, That any school district that shall so determine at an annual meeting, or at a special meeting duly called for that purpose, may hold its annual meeting on the second Monday of July in each year, or in the same manner may thereafter change the time of its annual meeting to the first Monday in September in each year, and the trustees and officers of the district shall date their terms of office from the date so chosen and until their successors are elected and qualified: *Provided further*, That such action in either case shall not change the time of the commencement of the school year or the taking of the annual school census.

When and how may a school-house or site be sold? How shall the proceeds of the sale be apportioned? When may school districts hold their annual meeting? How may the date of the annual meeting be changed?

(§22.) SEC. 15. Special meetings may be called by the district board; and it shall be the duty of said board, or any one of them, to call such meetings on the written request of not less than five legal voters of the district, by giving the notice required in the next succeeding section; but no special meeting shall be called unless the business to be transacted may lawfully come before such meeting, and no business shall be transacted at a special meeting unless the same be stated in the notice of said meeting.

(§23.) SEC. 16. All notices of annual or special district meetings, after the first meeting has been held as aforesaid, shall specify the day, and hour and place of meeting, and shall be given at least six days previous to such meeting, by posting up copies thereof in three of the most public places in the district, one copy of which for each meeting shall be posted at the outer door of the district schoolhouse, if there be one; and in case of any special meeting called for the purpose of establishing or changing the site of a schoolhouse, such notice shall be given at least ten days previous thereto: *Provided*, That when any of the district board shall receive a request to call a special meeting, as provided in the preceding section, he shall forthwith give notice, as above provided, of said meeting, which shall be called in not less than six nor more than twelve days from the time the said officer shall receive the notice aforesaid. No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was willful and fraudulent.

(§24.) SEC. 17. Every person of the age of twenty-one years, who has property liable to assessment for school taxes in any school district, and who has resided therein three months next preceding any school meeting held in said district, or who has resided three months next preceding such meeting on any territory belonging to such district at the time of holding said meeting, shall be a qualified voter in said

How may special meetings be called? Must the business of a special meeting be stated in the notice? Give form and place of notice. Is it the duty of a district officer to give such notice? Would the annual meeting be illegal for want of notice? Who are qualified voters at district meetings?

meeting upon all questions, and all other persons who are twenty-one years of age, and are the parents or legal guardians of any children included in the school census of the district, and who have for three months as aforesaid, been residents of said district or upon any territory belonging thereto at the time of holding any school meeting, shall be entitled to vote on all questions arising in said district which do not directly involve the raising of money by tax.

(§25.) SEC. 18. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall state that he is qualified and the challenge shall not be withdrawn, the said chairman shall tender to him an oath, in substance as follows: "You do swear (or affirm) that you are twenty-one years of age, that you have been for the last three months an actual resident of this school district, or residing upon territory now attached to this school district, and that you are liable to pay a school district tax therein;" and every person taking such oath shall be permitted to vote on all questions proposed at such meeting. Or he may take the following oath, to wit: "You do swear (or affirm) that you have been for the past three months an actual resident of this school district, or residing upon territory now attached to this school district, and that you are the parent or legal guardian of one or more children now included in the school census of this district;" and he may vote upon all questions which do not directly involve the raising of money by tax. If any person so challenged shall refuse to take such oath, his vote shall be rejected; and any person who shall willfully take a false oath, or make a false affirmation, under the provisions of this section, shall be deemed guilty of perjury. When any question is taken in any other manner than by ballot, a challenge immediately after the vote has been taken shall be deemed to be made when offering to vote, and treated in the same manner.

What is said in regard to challenging voters? Give oath to be tendered a challenged voter. What is a false oath deemed?

(§26.) SEC. 19. If at any district meeting any person shall conduct himself in a disorderly manner, and, after notice from the moderator or person presiding, shall persist therein, the moderator or person presiding may order him to withdraw from the meeting, and on his refusal, may order any constable, or other person or persons, to take him into custody until the meeting shall be adjourned; and any person who shall refuse to withdraw from such meeting on being so ordered as herein provided, and also any person who shall willfully disturb such meeting by rude and indecent behavior, or by profane or indecent discourse, or in any other way make such disturbance, shall, on conviction thereof, be punished by a fine not less than two nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days; and any justice of the peace, recorder, or police justice of the township, ward, or city where such offense shall be committed, shall have jurisdiction to try and determine the same.

(§27.) SEC. 20. The qualified voters in any school district when lawfully assembled at the first and at each annual meeting, or at an adjournment thereof, or at any special meeting lawfully called, except as hereinafter provided, shall have power:

First, At the first meeting and at any meeting after the organization of the district, in the absence of the moderator, to appoint a chairman for the time being, and in the absence of the director to appoint some person to act in his stead; who shall keep a minute of the proceedings of such meeting and certify the same to the director, to be by him entered in the records of the district;

Second, To adjourn from time to time as occasion may require;

Third, To elect district officers as hereinafter provided;

Who may order a disorderly person to be taken into custody at a district meeting? What is the penalty for disturbing a district meeting? Who shall have jurisdiction in trial? Mention the first power of voters at district meetings. Second. Third. Fourth. Fifth. Sixth. Seventh. Eighth. Ninth. Tenth. Eleventh. Twelfth.

Fourth, To designate as hereinafter provided, a site or such number of sites as may be desired for school-houses, and to change the same when necessary;

Fifth, To direct the purchasing or leasing of a site or sites, lawfully determined upon; the building, hiring, or purchasing of a school-house or houses, or the enlarging of a site or sites previously established;

Sixth, To vote such tax as the meeting shall deem sufficient to purchase or lease a site or sites, or to build, hire, or purchase a school-house or houses; but the amount of taxes to be raised in any district for the purpose of purchasing or building a school-house or houses in the same year that any bonded indebtedness is incurred, shall not exceed in districts containing less than ten children between the ages of five and twenty years, two hundred and fifty dollars; in districts having between ten and thirty children of like age, it shall not exceed five hundred dollars; and in districts having between thirty and fifty children of like age, it shall not exceed one thousand dollars. No legal subdivisions [subdivision] of land shall be taxed for building a school-house unless some portion thereof shall be within two and one-half miles of said school-house site.

Seventh, To impose such tax as shall be necessary to keep their school-house or houses in repair, and to provide the necessary appendages and school apparatus, and in districts having district libraries, for the support of the same, and to pay and discharge any debts or liabilities of the district lawfully incurred, and also to pay for the services of any district officer. The tax herein authorized to be voted shall not exceed one-half the amount which the district is authorized to raise for building school-houses;

Eighth, To authorize and direct the sale of any school-house, site, building or other property belonging to the district, when the same shall no longer be needed for the use of the district;

Ninth, To give such directions and make such provisions as they shall deem necessary in relation to the prosecution or

defense of any suit or proceeding in which the district may be a party, or interested;

Tenth, To appoint, as in their discretion it may be necessary a building committee to perform such duties in supervising the work of building a school-house as they by vote may direct;

Eleventh, At the first and the annual meetings only, to determine the length of time a school shall be taught in their district during the ensuing year, which shall not be less than nine months in districts having eight hundred children over five and under twenty years of age, and not less than five months in districts having from thirty to eight hundred children of like ages, nor less than three months in all other districts, on pain of forfeiture of their share of the one-mill tax and primary school interest fund; but in case such matters shall not be determined at the first or annual meetings, the district board shall determine the same; and in case the district fails to vote for at least the minimum length required herein, the district board shall make provisions for said minimum length of school;

Twelfth, To appropriate any surplus moneys arising from one-mill tax, after having maintained a school in the district at least eight months in the school year, for the purpose of purchasing and enlarging school sites, or for building or repairing school-houses, or for purchasing books for library, globes, maps, and other school apparatus, or for any incidental expenses of the school.

CHAPTER III.

DISTRICT BOARD AND OFFICERS.

(§28.) SECTION 1. At the first meeting in each school district there shall be elected by ballot a moderator for the term of three years, a director for two years, and an assessor for one year; and on the expiration of their respective terms of office, and regularly thereafter at the annual meetings, their

When and for how long a term shall district officers be elected?

several successors shall be elected in like manner for a term of three years each. The time intervening between the first meeting in any school district and the first annual meeting thereafter shall be reckoned as one year.

(§29.) SEC. 2. A school district office shall become vacant upon the occurrence of any of the following events:

First, The death of the incumbent;

Second, His resignation;

Third, His removal from office;

Fourth, His removal from the district;

Fifth, His conviction of any infamous crime;

Sixth, His election or appointment being declared void by a competent tribunal:

Seventh, His neglect to file his acceptance of office, or to give or renew any official bond, according to law.

(§30.) SEC. 3. In case any one of the district offices becomes vacant, the two remaining officers shall immediately fill such vacancy; or in case two of the offices become vacant, the remaining officer shall immediately call a special meeting of the district to fill such vacancies; In case any vacancy is not filled as herein provided within twenty days after it shall have occurred, or in case all the offices in a district shall become vacant, the board of school inspectors of the township to which the annual reports of such district are made shall fill such vacancies. Any person elected or appointed to fill a vacancy in a district office shall hold such office until the next succeeding annual meeting, at which time the voters of the district shall fill such office for the unexpired portion of the term.

(§ 31.) SEC. 4. Any qualified voter in a school district who has property liable to assessment for school taxes shall be eligible to election or appointment to office in such school district, unless such person be an alien.

In how many ways may a district office become vacant? How may such vacancies be filled? For how long a term can a person appointed hold a district office? Who are eligible to hold office?

(§ 32.) SEC. 5. Within ten days after their election or appointment, the several officers of each school district shall file with the director written acceptances of the offices to which they have been respectively elected or appointed, and such acceptances shall be entered in the records of the district by said director.

(§ 33.) SEC. 6. The moderator, director, and assessor shall constitute the district board. Meetings of the board may be called by any member thereof by serving on the other members a written notice of the time and place of such meeting at least twenty-four hours before such meeting is to take place; and no act authorized to be done by the district board shall be valid unless voted at a meeting of the board. A majority of the members of the board at a meeting thereof shall be necessary for the transaction of business.

(§ 34.) SEC. 7. The said district board shall purchase a record book and such other books, blanks and stationery as may be necessary to keep a record of the proceedings of the district meetings and of meetings of the board, the accounts of the assessor, and for doing the business of the district in an orderly manner.

(§ 35.) SEC. 8. The district board shall purchase or lease, in the corporate name of the district, such sites for school-houses as shall have been lawfully designated, and shall build, hire, or purchase such school-houses as may be necessary out of the fund provided for that purpose, and make sale of any site or other property of the district when lawfully directed by the qualified voters; but no district in any case shall build a stone or brick school-house upon any site without having first obtained a title in fee to the same, or a lease for ninety-nine years; nor shall any district build a frame school-house on any site for which they have not a title in fee or a lease for fifty years, without securing the privilege of removing

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Within what time and with whom must the acceptance of office be filed? Will an act of this board be valid unless voted at a meeting of the board? Is the board required to purchase record books, etc.? What is said in regard to the purchase of site and building of school-house?

the said school-house when lawfully directed so to do by the qualified voters of the district at any annual or special meeting when lawfully convened.

(§ 36.) SEC. 9. It shall be the duty of the district board to estimate the amount necessary to be raised, in addition to other school funds, for the entire support of such schools, including teachers' wages, fuel, and other incidental expenses, and for deficiencies of the previous year for such purposes. But in districts having less than thirty scholars, such estimate, including the districts share of the primary school interest fund and one-mill tax, shall not exceed the sum of fifty dollars a month for the period during which school is held in such district; and when such amount has been estimated and voted by the district board, it shall be reported for assessment and collection the same as other district taxes. When a tax has been estimated and voted by the district board under the provisions of this section, and is needed before it can be collected, the district board may borrow to an amount not exceeding the amount of said tax.

(§ 37.) SEC. 10. The district board shall, between the first and third Mondays in September in each year, make out and deliver to the township clerk of each township in which any part of the district is situated, a report in writing under their hands of all taxes voted by the district during the preceding year, and of all taxes which said board is authorized to impose, to be levied on the taxable property of the district.

(§38.) SEC. 11. The district board shall apply and pay over all school moneys belonging to the district, in accordance with the provisions of law regulating the same, and no money raised by district tax shall be used for any other purpose than that for which it was raised, without a consenting vote of two-thirds of the tax-paying voters of the district; and no moneys received from the primary school interest fund, nor from the one-mill tax, except as provided by law,

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What are the duties of the board in regard raising a tax for the support of schools? When may the board borrow money? When and to whom shall the board report district taxes? How is the board directed to apply moneys?

shall be appropriated to any other use than the payment of teachers' wages, and no part thereof shall be paid to any teacher who shall not have received a certificate of qualification from proper legal authority before the commencement of his school. No school district shall apply any of the moneys received by it from the primary school interest fund, or from any and all other sources, for the support and maintenance of any school of a sectarian character, whether the same be under the control of any religious society, or made sectarian by the school district board.

(§39.) SEC. 12. Said board shall present to the district, at each annual meeting, a report in writing, containing an accurate statement of all moneys of the district received by them, or any of them, during the preceding year, and of the disbursements made by them, with the items of such receipts and disbursements. Such report shall also contain a statement of all taxes assessed upon taxable property of the district during the preceding year, the purposes for which such taxes were assessed, and the amount assessed for each particular purpose, and said report shall be entered by the director in the records of the district.

(§40.) SEC. 13. The district board shall hire and contract with duly qualified teachers as may be required; and all contracts shall be in writing and signed by a majority of the board on behalf of the district. Said contracts shall specify the wages agreed upon and shall require the teacher to keep a correct list of the pupils, and the age of each, attending the school, and the number of days each pupil is present, and to furnish the director with a correct copy of the same at the close of the school. Said contract shall be filed with the director, and a duplicate copy of the contract shall be furnished to the teacher. No contract with any person not holding a legal certificate of qualification then authorizing such person to teach shall be valid, and all such contracts shall terminate, if

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Are sectarian schools barred from the use of public moneys? When and to whom shall the board report? Who is directed to hire teachers? Give a form of contract. Who are to have copies of contracts? Must a teacher have a legal certificate?

the certificate shall expire by limitation and shall not immediately be renewed, or if it shall be suspended or revoked by proper legal authority. A school month within the meaning of the school laws shall consist of four weeks of five days in each week, unless otherwise specified in the teacher's contract.

(§41.) SEC. 14. The district board shall have the care and custody of the schoolhouse and other property of the district, except so far as the same shall by vote of the district be specially confided to the custody of the director, including all books purchased for the use of indigent pupils, and shall open the schoolhouse for public meetings unless by a vote at a district meeting it shall be determined otherwise: *Provided*, That said board may exclude such public meetings during the five school days of each week of any and of all school terms, or such parts thereof as in their discretion they may deem for the best interest of the schools.

(§42.) SEC. 15. The district board shall specify the studies to be pursued in the schools of the district [districts], and in addition to the branches in which instruction is now required by law to be given in the public schools of the State, instruction shall be given in physiology and hygiene with a special reference to the nature of alcohol and narcotics and their effects upon the human system. Such instruction shall be given by the aid of text-books in the case of pupils who are able to read and as thoroughly as in other studies pursued in the same school. The text-books to be used for such instruction shall give at least one-fourth of their space to the consideration of the nature and effects of alcoholic drinks and narcotics, and the books used in the highest grade of graded schools shall contain at least twenty pages of matter relating to this subject. Text-books used in giving the foregoing instruction shall first be approved by the State Board of Education. Each school board making a selection of text-books under the provisions of this act shall make a record thereof in their proceedings and text-books once adopted under the provisions of

Define a school month. May the board exclude public meetings from the school building? Who shall specify studies and prescribe text-books? Give the law in regard to instruction of physiology and hygiene. What kind of text-books may be used?

this act shall not be changed within five years except by the consent of a majority of the qualified voters present at an annual meeting or at a special meeting called for that purpose. The district board shall require each teacher in the public schools of such district, before placing the school register in the hands of the directors [director] as provided in section thirteen of this act, to certify therein whether or not instruction has been given in the school or grade presided over by such teacher, as required by this act, and it shall be the duty of the director of the district to file with the township clerk a certified copy of such certificate. Any school board neglecting or refusing to comply with any of the provisions of this act, shall be subject to fine or forfeiture the same as for neglect of any other duty pertaining to their office. This act shall apply to all schools in the State, including schools in cities or villages, whether incorporated under special charter or under the general laws.

(§43.) SEC. 16. The district board may purchase at the expense of the district, such text books as may be necessary for the use of children when parents are not able to furnish the same, and they shall include the amount of such purchase in the report to the township clerk or clerks, to be levied in like manner as other district taxes.

(§44.) SEC. 17. The district board shall have the general care of the school, and shall make and enforce suitable rules and regulations for its government and management, and for the preservation of the property of the district. Said board may authorize or order the suspension or expulsion from the school, whenever in its judgment the interests of the school demand it, of any pupil guilty of gross misdemeanor or persistent disobedience. Any person who shall disturb any school by rude and indecent behavior, or by profane or indecent discourse, or in any other way make such disturbance, shall, on conviction thereof, be punished by a fine not less than two

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What provision is made for the purchase of books for poor children? Who is directed to establish rules for the school? May the board suspend or expel pupils? What penalty is there for disturbing a school?

nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days.

(§45.) SEC. 18. All persons residents of any school district, and five years of age, shall have an equal right to attend any school therein; and no separate school or department shall be kept for any person on account of race or color: *Provided*, That this shall not be construed to prevent the grading of schools according to the intellectual progress of the pupil, to be taught in separate places as may be deemed expedient.

(§46.) SEC. 19. The district board may admit to the district schools non-resident pupils, and may determine the rates of tuition of such pupils and collect the same: *Provided*, That when non-resident pupils, their parents or guardians, pay a school tax in said district, the same shall be credited on their tuition a sum not to exceed the amount of such tuition, and they shall only be required to pay tuition for the difference therein.

MODERATOR.

(§47.) SEC. 20. It shall be the duty of the moderator of each school district:

First, To preside, when present, at all meetings of the district and of the board;

Second, To countersign all orders legally drawn by the director upon the assessor for moneys to be disbursed by the district, and all warrants of the director upon the township treasurer for moneys raised for district purposes, or apportioned to the district by the township clerk;

Third, To cause an action to be prosecuted in the name of the district on the assessor's bond, in case of any breach of any condition thereof;

Fourth, To perform such other duties as are or shall be by law required of the moderator.

Who may attend school? Can a separate school be maintained on account of race or color? May district schools be graded? What is said of non-resident pupils? Mention the duties of the Moderator, First. Second. Third. Fourth.

DIRECTOR.

(§48.) SEC. 21. It shall be the duty of the director of each school district:

First, To act as clerk, when present, at all meetings of the district and of the board;

Second, To record the proceedings of all district meetings, and the minutes of all meetings, orders, resolutions, and other proceedings of the board, in proper record books;

Third, To give the prescribed notice of the annual district meeting, and of all such special meetings as he shall be required to give notice of in accordance with the provisions of law;

Fourth, To draw and sign warrants upon the township treasurer for all moneys raised for district purposes, or apportioned to the district by the township clerk, payable to the assessor of the district, and orders upon the assessor for all moneys to be disbursed by the district, and present them to the moderator, to be countersigned by that officer. Each order shall specify the object for which, and the fund upon which, it is drawn;

Fifth, To draw and sign all contracts with teachers, when directed by the district board, and present them to the other members of the board for further signature;

Sixth, To provide the necessary appendages for the schoolhouse, and keep the same in good condition and repair during the time school shall be taught therein: *Provided*, That nothing herein contained shall be construed to authorize the director to purchase charts or any apparatus to be used in the schoolroom without a vote of the district authorizing the same;

Seventh, To keep an accurate account of all expenses incurred by him as director, and such account shall be audited by the moderator and assessor, and on their written order shall be paid out of any money provided for the purpose;

Mention the duties of the director, First. Second. Third. Fourth. Fifth. Sixth. Seventh. Eighth. Ninth. Tenth.

Eighth, To present at each annual meeting an estimate of the expenses necessary to be incurred during the ensuing year by the director as provided by law, and for payment of the services of any district officer;

Ninth, To preserve and file copies of all reports made to the school inspectors, and safely preserve and keep all books, papers, and other documents belonging to the office of director, or to the district when not otherwise provided for, and to deliver the same to his successor in office;

Tenth, To perform such other duties as are or shall be required of the director by law or the district board.

(§49.) SEC. 22. It shall be the duty of the director, or such other person as the district board may appoint, within ten days next previous to the first Monday in September in each year, to take the census of the district, and make a list in writing of the names and ages of all the children between the ages of five and twenty years residing therein, and a copy of said list shall be verified by the oath or affirmation of the person taking such census, by affidavit appended thereto or indorsed thereon, setting forth that it is a correct list of the names of all the children between the ages aforesaid residing in the district, which affidavit may be made before the clerk of the township; and said list shall be returned with the annual report of the director to the township clerk. Children in almshouses, prisons, or asylums, not otherwise residents of the district, and not attending the school, shall not be included in the said census; nor shall Indian children be so included unless they attend the school, or their parents are liable to pay taxes therein.

(§50.) SEC. 23. The directors shall also, at the end of the school year, and previous to the second Monday in September in each year, deliver to the township clerk, to be filed in his office, a report to the board of school inspectors of the township, showing:

Explain the manner in which the school census is to be taken. What children not to be included? The annual report of the directors shall include, First? Second? Third? Fourth? Fifth? Sixth? Seventh? Eighth? Ninth? Tenth?

First, The whole number of children belonging to the district between the ages of five and twenty years, according to the census taken as aforesaid;

Second, The number attending school during the year under five, and also the number over twenty years of age;

Third, The number of non-resident pupils of the district that have attended school during the year;

Fourth, The whole number that have attended school during the year;

Fifth, The length of time the school has been taught during the year by a qualified teacher, the name of each teacher, the length of time taught by each, and the wages paid to each;

Sixth, The average length of time scholars, between five and twenty years of age have attended school during the year;

Seventh, The amount of money received from the township treasurer apportioned to the district by the township clerk.

Eighth, The amount of money raised by the district, and the purposes for which it was raised;

Ninth, The kind of books used in the school;

Tenth, Such other facts and statistics in regard to the schools and the subject of education as the superintendent of public instruction shall direct.

(§51.) SEC. 24. The director of each fractional district shall make his annual report to the clerk of the township in which the school-house is situated, and shall also report to the clerk of each township in which the district is in part situated, the number of children between the ages of five and twenty years in that part of the district lying in such township.

To whom shall the director of a fractional district report?

ASSESSOR.

(§52.) SEC. 25. It shall be the duty of the assessor of each school district:

First, To execute to the district and file with the director within ten days after his election or appointment a bond in double the amount of money to come into his hands as such assessor during his term of office, as near as the same can be ascertained, with two sufficient sureties, to be approved by the moderator and director, conditioned for the faithful application of all moneys that shall come into his hands by virtue of his office as required by the provisions of this act. Said bond shall be filed with the director, and in case of any breach of the condition thereof, the moderator shall cause a suit to be commenced thereon in the name of the district, and any moneys collected thereon shall be paid into the township treasury, subject to the order of the district officers, and shall be applied to the same purposes as the moneys lost should have been applied by the assessor;

Second, To pay all orders of the director, when lawfully drawn and countersigned by the moderator, out of any moneys in his hands belonging to the fund upon which such orders may be drawn;

Third, To keep a book in which all the moneys received and disbursed shall be entered, the sources from which the same have been received, and the persons to whom and the objects for which the same have been paid;

Fourth, To present to the district board at the close of the school year a report in writing, containing a statement of all moneys received during the preceding year and of each item of disbursements made, and exhibit the voucher therefor;

Fifth, To appear for and on behalf of the district in all suits brought by or against the same, when no other directions shall be given by the qualified voters in district meeting, except in suits in which he is interested adversely to the

Mention the duties of the assessor, First. Second. Third. Fourth. Fifth. Sixth. Seventh.

district, and in all such cases the moderator shall appear for such district, if no other direction be given as aforesaid;

Sixth, At the close of his term of office to settle with the district board, and deliver to his successor in office all books, vouchers, orders, documents, and papers belonging to the office of assessor, together with all district moneys remaining on hand;

Seventh, To perform such other duties as are or shall be by law required of the assessor.

CHAPTER IV.

TOWNSHIP OFFICERS.

TOWNSHIP BOARD OF SCHOOL INSPECTORS.

(§53.) SECTION 1. The school inspectors of each township, together with the township clerk, shall constitute the township board of school inspectors. Said board shall meet within twenty days after the first Monday in April in each year, and elect one of their number, other than the township clerk, chairman of said board, and the township clerk shall be the clerk thereof.

(§54.) SEC. 2. The chairman of said board shall be the treasurer thereof, and shall give bond to the township in double the amount of moneys to come into his hands during his term of office, as near as the same can be ascertained, with two sufficient sureties, to be approved by the township clerk, conditioned for the faithful appropriation of all moneys that may come into his hands by virtue of his office. Said bond shall be filed with the township clerk, and in case of the non-fulfillment thereof, said clerk shall cause a suit to be commenced thereon, and the moneys collected in such suit shall be paid into the township treasury, and shall be applied to the same purposes as the moneys lost should have been applied by said treasurer of the board of school inspectors.

(§55.) SEC. 3. On the third Monday in September in each year, the inspectors shall make triplicate reports, setting forth

Of what shall the board of school inspectors consist? When shall the board make triplicate reports?

the whole number of districts in their township, the amount of money raised and received for township and district libraries, and such other items as shall from year to year be required by the Superintendent of Public Instruction, together with the several particulars set forth in the reports of the school directors for the preceding year; and the township clerk shall, within ten days thereafter, forward two copies of the same to the secretary of the county board of school examiners, and file the other copy in his office.

(§56.) SEC. 4. It shall be the duty of the school inspectors, before making their annual report, as required by the preceding section, to examine the list of legally qualified teachers on file in the office of the township clerk, and if in any school district a school shall not have been taught for the time required by law during the preceding school year by a legally qualified teacher, no part of the public money shall be distributed to such district, although the report from such district shall set forth that a school has been so taught; and it shall be the duty of the board to certify to the facts in relation to any such district in their annual report.

(§57.) SEC. 5. It shall be the duty of the board of inspectors to render to the township board, on the Tuesday next preceding the annual township meeting, a full and true account of all moneys received and disbursed by them as such inspectors during the year, which account shall be settled by said township board, and such disbursements allowed, if the proper vouchers are presented.

(§58.) SEC. 6. The whole number of meetings of the township board of school inspectors at the expense of the township, during any one school year, shall not exceed eight; but this shall not be construed to prevent said board holding further meetings in case of necessity, provided no expense to the township be incurred.

Mention the contents and disposition of reports. Are the inspectors to report districts not employing qualified teachers? Mention other duties.

TOWNSHIP CLERK.

(§59.) SEC. 7. The township clerk shall be the clerk of the board of school inspectors by virtue of his office, and shall attend all meetings of said board, and, under their direction, prepare all their reports and record the same, and shall record all their proceedings. He shall also receive and keep all reports to inspectors from the directors of the several school districts in his township, and all the books and papers belonging to the inspectors, and file such papers in his office; and he shall receive all such communications, blanks and documents as may be transmitted to him by the superintendent of public instruction, and dispose of the same in the manner directed by said superintendent.

(§60.) SEC. 8. It shall be the duty of the township clerk annually, immediately after the organization of the board of school inspectors of his township, to transmit to the county clerk a certified statement of the name and postoffice address of the chairman of said board, and in case there shall be a change in such chairman during the year, he shall immediately notify the county clerk of such change.

(§61.) SEC. 9. Each township clerk shall cause a map to be made of his township, showing by distinct lines thereon the boundaries of each school district, and parts of school districts therein, and shall regularly number the same thereon as established by the inspectors. One copy of such map shall be filed by the said clerk in his office, and the other copy he shall file with the supervisor of the township; and within one month after any division or alteration of a district, or the organization of a new one in his township, the said clerk shall file a new map and copy thereof as aforesaid, showing the same.

(§62.) SEC. 10. It shall be the duty of the township clerk of each township, on or before the first day of October of each year, to make and deliver to the supervisor of his township a certified copy of all statements on file in his office of moneys proposed to be raised by taxation in each of the

Mention some of the duties of the township clerk in relation to the district schools.

several school districts of the township for school purposes. He shall also certify to the supervisor the amount to be assessed upon the taxable property of any school district retaining the district school-house or other property, on the division of the district, as the same shall have been determined by the inspectors, and he shall also certify the same to the director of such district, and to the director of the district entitled thereto.

(§63.) SEC. 11. On receiving notice from the county treasurer of the amount of school moneys apportioned to his township, the township clerk shall apportion the same amount to the several districts therein entitled to the same, in proportion to the number of children in each, between the ages of five and twenty years, as the same shall be shown by the annual report of the director of each district for the school year closing prior to the May apportionment.

(§64.) SEC. 12. Said clerk shall also apportion to the school districts in his township, as required by law, on receiving notice of the amount from the township treasurer, all moneys raised by township tax, or received from other sources, for the support of schools; and in all cases make out and deliver to the township treasurer a written statement of the number of children in each district drawing money, and the amount apportioned to each district, and record the apportionment in his office; and whenever an apportionment of the primary school interest fund, or moneys raised by tax, or received from other resources, is made, he shall give notice of the amount to be received by each district to the director thereof.

TOWNSHIP SUPERVISOR AND TREASURER.

(§65.) SEC. 13. It shall be the duty of the supervisor of the township to assess the taxes voted by every school district in his township, and also all other taxes provided for in this act, chargeable against such district or township, upon

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Give a brief description of the duties of the township supervisor in regard to the assessment and collection of district taxes.

the taxable property of the district or township respectively, and to place the same on the township assessment roll in the column for school taxes, and the same shall be collected and returned by the township treasurer in the same manner and for the same compensation as township taxes. If any taxes provided for by law for school purposes shall fail to be assessed at the proper time, the same shall be assessed in the succeeding year.

(§66.) SEC. 14. The supervisor shall also assess upon the taxable property of his township one mill upon each dollar of the valuation thereof in each year, and report the aggregate valuation of each district to the township clerk, who shall report said amount to the director of each school district, in his township, or to the director of any fractional school district, a portion of which may be located in said township, before the first day of September of each year, and all moneys so raised shall be apportioned by the township clerk to the district in which it was raised; and all money collected by virtue of this act during the year on any property not included in any organized district, or in districts not having, during the previous school year, three months' school in districts having less than thirty children, or five months' school in districts having thirty and less than eight hundred children, or nine months' school in districts having eight hundred or more children, as shown by the last school census, shall be apportioned to the several other school districts of said township, in the same manner as the primary school interest fund is now apportioned. All moneys accruing from the one mill tax in any township, before any district shall have a legal school therein, shall belong to the district in which it was raised, when they shall severally have had a three months' school by a qualified teacher.

(§67.) SEC. 15. The amount to be assessed upon the taxable property of any school district retaining the schoolhouse or other property, on the division of a district, as the same shall have been determined by the inspectors, shall be assessed by the supervisor in the same manner as if the same had been authorized by a vote of such district; and the money so assessed shall be placed to the credit of the taxable

property taken from the former district, and shall be in reduction of any tax imposed in the new district on said taxable property for school district purposes: *Provided*, That if the district retaining the school-house shall vote to pay, and shall pay, before said taxes are assessed, any portion of said amount to the new district, said amount, as shall be certified by the moderator and director of the new district to the supervisor, shall be deducted from the amount to be assessed as provided in this section. When collected such amount shall be paid over to the assessor of the new district, to be applied to the use thereof in the same manner, under the direction of its proper officers, as if such sum had been voted and raised by said district for building a school-house or other district purposes.

(§68.) SEC. 16. The full amount of all taxes to be levied upon the taxable property in a fractional school district shall be certified by the district board to the township clerk of each township in which such district is in part situated, and by such township clerks to the supervisors of their respective townships, and it shall be the duty of each of said supervisors to certify to each other supervisor interested the amount of taxable property in that part of the district lying in his township: *Provided*, That when there exists a manifest difference in the valuation of property assessed in fractional districts, composed of territory in adjoining townships or counties, such valuation shall be equalized for this specific purpose by the supervisors of the townships interested, at a joint meeting held for that purpose, on application of either of the supervisors of said townships. And such supervisors shall respectively ascertain the proportion of such taxes, including mill tax, to be placed on their respective assessment rolls, according to the amount of taxable property in each part of such district. And if said supervisors cannot agree as to the proportion of such taxes to be placed on their respective assessment rolls, a supervisor from an adjoining township shall be called to meet with said supervisors in said fractional district and assist in equalizing said valuation. Said supervisor to be paid at the rate of three dollars per diem for the time necessarily employed in attendance at such

meeting of the supervisors, and all necessary traveling expenses, by the townships in interest.

(§69.) SEC. 17. The supervisors, on delivery of the warrant for collection of taxes to the township treasurer, shall also deliver to said treasurer, a written statement of the amount of school and library taxes, the amount raised for district purposes on the taxable property of each district in the township, the amount belonging to any new district on the division of the former district, and the names of all persons having judgments assessed under the provisions of this act upon the taxable property of any district, with the amount payable to such person on account thereof.

(§70.) SEC. 18. The supervisor of each township, on the delivery of the warrant for the collection of taxes to the township treasurer, shall also deliver to said treasurer a written statement, certified by him, of the amount of the one-mill tax levied upon any property lying within the bounds of a fractional school district, a part of which is situate within his township, and the returns of which are made to the clerk of some other township; and the said township treasurer shall pay to the township treasurer of such other township the amount of the taxes so levied and certified to him for the use of such fractional school district.

(§71.) SEC. 19. Whenever any portion of a school district shall be set off and annexed to any other district, or organized into a new one, after a tax for district purposes other than the payment of any debts of the district shall have been levied upon the taxable property thereof, but not collected, such tax shall be collected in the same manner as if no part of such district had been set off, and the said former district, and the district to which the portion so set off may be annexed or the new district organized from such portion, shall each be entitled to such proportion of said tax as the amount of taxable property in each part thereof bears to the whole amount of taxable property on which such tax is levied.

(§72.) SEC. 20. The township treasurer shall retain in his hands, out of the moneys collected by him, after deducting the amount of tax for township expenses, the full amount of

the school taxes on the assessment roll, and hold the same subject to the warrant of the proper district officers, to the order of the school inspectors, or of the persons entitled thereto, and give a written notice to the township clerk of the amount.

(§73.) SEC. 21. The township treasurer shall, from time to time, apply to the county treasurer for all school and library moneys belonging to his township, or the districts thereof; and on receipt of the moneys to be apportioned to the districts, he shall notify the township clerk of the amount to be apportioned.

(§74.) SEC. 22. Each treasurer of a township, to the clerk of which the returns of any fractional school district shall be made, shall apply to the treasurer of any other township in which any part of such fractional school district may be situated, for any money to which such district may be entitled; and when so received it shall be certified to the township clerk, and apportioned in the same manner as other taxes for school purposes.

CHAPTER V.

COUNTY CLERK AND TREASURER.

(§75.) SECTION 1. It shall be the duty of each county clerk to receive all such communications, blanks and documents as may be directed to him by the superintendent of public instruction, and dispose of the same in the manner directed by said superintendent.

(§76.) SEC. 2. The clerk of each county shall, on receiving from the secretary of the county board of school examiners the annual reports of the several boards of school inspectors file the same in his office. On receiving notice from the superintendent of public instruction of the amount of moneys apportioned to the several townships in his county, he shall file the same in his office, and forthwith deliver a copy thereof to the county treasurer.

Mention some of the duties of the township treasurer in relation to the district schools. Mention some of the duties of the county clerk and treasurer in relation to the district schools.

(§77.) SEC. 3. The several county treasurers shall apply for and receive such moneys as shall have been apportioned to their respective counties, when the same shall become due; and each of said treasurers shall immediately give notice to the treasurer and clerk of each township in his county, of the amount of school moneys apportioned to his township, and shall hold the same subject to the order of the township treasurer.

CHAPTER VI.

BONDED INDEBTEDNESS OF DISTRICTS.

(§78.) SECTION 1. Any school district may, by a two-thirds vote of the qualified electors of said district present at any annual meeting, or a special meeting called for that purpose, borrow money, and may issue bonds of the district therefor, to pay for a school-house site or sites, and to erect and furnish school buildings as follows: Districts having less than thirty children between five and twenty years of age may have an indebtedness not to exceed three hundred dollars; districts having thirty children of like age may have an indebtedness not to exceed five hundred dollars; districts having fifty children of like age may have an indebtedness not to exceed one thousand dollars; districts having seventy-five children of like age may have an indebtedness not to exceed two thousand dollars; districts having one hundred children of like age may have an indebtedness not to exceed three thousand dollars; districts having one hundred and twenty-five children of like age, and with an assessed valuation of not less than one hundred and fifty thousand dollars, may have an indebtedness not to exceed five thousand dollars; districts having two hundred children of like age may have an indebtedness not to exceed eight thousand dollars; districts having three hundred children of like age may have an indebtedness not to exceed fifteen thousand dollars; districts having four hundred children of like age may have an indebtedness not to exceed twenty thousand dollars; districts having five hundred children of like age may have an indebtedness not to exceed

How may districts borrow money?

twenty-five thousand dollars; and districts having eight hundren children or more of like age may have an indebtedness not to exceed thirty thousand dollars: *Provided*, That the indebtedness of a district shall in no case extend beyond ten years for money borrowed: *Provided further*, That in all proceedings under this section the director, assessor, and one person appointed by the district board, shall constitute a board of inspection, who shall cause a poll-list to be kept, and a suitable ballot-box to be used, which shall be kept open two hours, and said ballotings shall be conducted in the same manner as at township elections.

(§79.) SEC. 2. Whenever any school district shall have voted to borrow any sum of money, the district board of such district is hereby authorized to issue the bonds of such district, in such form, and executed in such manner by the moderator and director of such district, and in such sums, not less than fifty dollars, as such district board shall direct, and with such rate of interest, not exceeding eight per centum per annum, and payable at such time or times as the said district shall have directed.

(§80.) SEC. 3. Whenever any money shall have been borrowed by any school district, the taxable inhabitants of such district are hereby authorized at any regular meeting of such district to impose a tax on the taxable property in such district, for the purpose of paying the principal thus borrowed, or any part thereof, and the interest thereon, to be levied and collected as other school district taxes are collected.

(§81.) SEC. 4. Any school district, whenever it shall appear that the same can be done on terms advantageous to said district, may borrow money to pay any bonded indebtedness of said district then existing, and issue further bonds of said district therefor: *Provided*, That a majority of the qualified voters of said district shall so determine, at an annual or special meeting called for that purpose; and that the notice of such meeting, whether annual or special, shall state the intention to take such vote.

May a district borrow to pay bonds and issue further bonds?

CHAPTER VII.

SUITS AND JUDGMENTS AGAINST DISTRICTS.

(§82.) SECTION 1. Justices of the peace shall have jurisdiction in all cases of assumpsit, debt, covenant and trespass on the case against school districts, when the amount claimed, or matter in controversy shall not exceed one hundred dollars; and the parties shall have the same right of appeal as in other cases.

(§83.) SEC. 2. When any suit shall be brought against a school district, it shall be commenced by summons, a copy of which shall be left with the assessor of the district at least eight days before the return day thereof.

(§84.) SEC. 3. No execution shall issue on any judgment against a school district, nor shall any suit be brought thereon, but the same shall be collected in the manner prescribed in this act.

(§85.) SEC. 4. Whenever any final judgment shall be obtained against a school district, if the same shall not be removed to any other court, the assessor of the district shall certify to the supervisor of the township and to the director of the district, the date and amount of such judgment, with the name of the person in whose favor the same was rendered, and if the judgment shall be removed to another court, the assessor shall certify the same as aforesaid, immediately after the final determination thereof against the district.

(§86.) SEC. 5. If the assessor shall fail to certify the judgment as required in the preceding section, it shall be lawful for the party obtaining the same, his executors, administrators or assigns to file with the supervisor the certificate of the justice or clerk of the court rendering the judgment showing the facts which should have been certified by the assessor.

(§87.) SEC. 6. If the district against whom any such judgment shall be rendered is situated in part in two or more townships, a certificate thereof shall be delivered as aforesaid to the supervisor of each township in which such district is in part situated.

How shall a suit against a district be commenced?

(§88.) SEC. 7. The supervisor or supervisors receiving either of the certificates of a judgment as aforesaid shall proceed to assess the amount thereof, with interest from the date of the judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of the district, placing the same on the next township assessment roll in the column for school taxes; and the same proceedings shall be had, and the same shall be collected and returned in the same manner as other district taxes.

CHAPTER VIII.

SITES FOR SCHOOL-HOUSES.

(§89.) SECTION 1. The qualified voters of any school district, when lawfully assembled, may designate by a vote of two-thirds of those present, such a number of sites as may be desired for school-houses, and may change the same by a similar vote at any annual meeting. When no site can be established by such inhabitants as aforesaid, the school inspectors of the township or townships in which the district is situated shall determine where such site shall be, and their determination shall be certified to the director of the district, and shall be final, subject to alteration afterward by the inspectors, on the written request of two-thirds of the qualified voters of the district, or by two-thirds of the qualified voters agreeing upon a site, at a district meeting lawfully called.

(§90.) SEC. 2. Whenever a site for a school house shall be designated, determined or established, in any manner provided by law, in any school district, and such district shall be unable to agree with the owner or owners of such site upon the compensation to be paid therefor, or in case such district shall, by reason of any imperfection in the title to said site, arising either from break in the chain of title, tax sale, mortgages, levies or any other cause, be unable to procure a perfect unincumbered title, in fee simple to said site, the district board of such district shall authorize one or more of its mem-

May supervisors assess amount of judgment? Who shall designate sites for school buildings? How shall the compensation for a site be arranged in case of a disagreement?

bers to apply to the circuit judge, if there be one in the county, or to a circuit court commissioner of the county, or to any justice of the peace of the city or township in which such school district shall be situated, for a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, which application shall be in writing, and shall describe the real estate required by such district as accurately as is required in a conveyance of real estate: *Provided*, That whenever any school district shall have designated, selected or established, in any manner provided by law, a school-house site, such selection, designation, or establishment shall be *prima facie* evidence to said jury of the necessity to use the site so established.

(§91.) SEC. 3. It shall be the duty of such circuit judge, circuit court commissioner, or justice of the peace, upon such application being made to him, to issue a summons or *venire*, directed to the sheriff or any constable of the county, commanding him to summon eighteen freeholders residing in the vicinity of such site, who are in no wise a kin to the owner of such real estate, and not interested therein, to appear before such judge, commissioner, or justice, at the time and place therein named, not less than twenty nor more than fifty days from the time of issuing such summons or *venire*, as a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, and to notify the owner or occupant of such real estate, if he can be found in the county, of the time when and the place where such jury is summoned to appear, and the object for which such jury is summoned; which notice shall be served at least ten days before the time specified in such summons or *venire* for the jury to appear as hereinbefore mentioned.

(§92.) SEC. 4. Thirty days' previous notice of the time when and the place where such jury will assemble shall be given by the district board of such district, where the owner or owners of such real estate shall be unknown, non-residents

When the owner is unknown, insane, *non compos mentis*, or an infant, or cannot be found, what is the course of procedure?

of the county, minors, insane, *non compos mentis*, or inmates of any prison, by publishing the same in a newspaper published in the county where such real estate is situated; or if there be no newspaper published in such county, then in some newspaper published in the nearest county where a newspaper is published, once in each week for four successive weeks, which notice shall be signed by the district board or by the director or assessor of such district, and shall describe the real estate required for such site, and state the time when and place where such jury will assemble, and the object for which they will assemble; or such notice may be served on such owner personally, or by leaving a copy thereof at his last place of residence.

(§93.) SEC. 5. It shall be the duty of such judge, commissioner, or justice, and of the persons summoned as jurors, as hereinbefore provided, and of the sheriff or constable summoning them, to attend at the time and the place specified in such summons or *venire;* and the officer who summoned the jury shall return such summons or *venire* to the officer who issued the same, with the names of the persons summoned by him as jurors, and shall certify the manner of notifying the owner or owners of such real estate, if he was found; and if he could not be found in said county, he shall certify that fact. Either party may challenge any of the said jurors for the same causes as in civil actions. If more than twelve of said jurors in attendance shall be found qualified to serve as jurors, the officer in attendance, and who issued the summons or *venire* for such jury, shall strike from the list of jurors a sufficient number to reduce the number of jurors in attendance to twelve; and in case less than twelve of the number so summoned as jurors shall attend, the sheriff or constable shall summon a sufficient number of freeholders to make up the number of twelve; and the officer issuing the summons or *venire* for such jury, may issue an attachment for any person summoned as a juror who shall fail to attend, and may enforce obedience to such summons, *venire*, or attachment, as courts of record, or justices' courts are authorized to do in civil cases.

(§94.) SEC. 6. The twelve persons selected as the jury shall

be duly sworn by the judge, commissioner, or justice in attendance, faithfully and impartially to inquire, ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same in the manner proposed by such school district; and the persons thus sworn shall constitute the jury in such case. Subpœnas for witnesses may be issued, and their attendance compelled by such circuit judge, commissioner, or justice in the same manner as may be done by the circuit court or by a justice's court in civil cases. The jury may visit and examine the premises, and, from such examination and such other evidences as may be presented before them, shall ascertain and determine the necessity for using such real estate in the manner and for the purpose proposed by such school district, and the just compensation to be made therefor; and if such jury shall find that it is necessary that such real estate shall be used in the manner or for the purpose proposed by such school district, they shall sign a certificate in writing, stating that it is neccessary that said real estate, describing it, should be used as a site for a school-house for such district, also stating the sum to be paid by such school district as the just compensation for the same. The said circuit judge, circuit court commissioner or justice of the peace, shall sign and attach to, and indorse upon the certificate thus subscribed by the said jurors, a certificate stating the time when and the place where the said jury assembled, that they were by him duly sworn as herein required, and that they subscribed the said certificate. He shall also state in such certificate who appeared for the respective parties on such hearing and inquiry, and shall deliver such certificates to the director, or to any member of the district board of such school district.

(§95.) Sec. 7. Upon filing such certificates in the circuit court of the county where such real estate is situated, such court shall, if it finds all the proceedings regular, render judgment for the sum specified in the certificate signed by such jury, against such school district, which judgment shall be collected and paid in the manner as other judgments against school districts are collected and paid.

(§96.) SEC. 8. In case the owner of such real estate shall be unknown, insane, *non compos mentis*, or an infant, or cannot be found within such county, it shall be lawful for the said school district to deposit the amount of such judgment with the county treasurer of such county, for the use of the person or persons entitled thereto; and it shall be the duty of such county treasurer to receive such money, and at the time of receiving it, to give a receipt or certificate to the person depositing the same with him, stating the time when such deposit was made, and for what purpose; and such county treasurer and his sureties shall be liable on his bond for any money which shall come into his hands under the provisions of this act, in case he shall refuse to pay or account for the same, as herein required: *Provided*, That no such money shall be drawn from such county treasurer, except upon an order of the circuit court, circuit court commissioner or judge of probate, as hereinafter provided.

(§97.) SEC. 9. Upon satisfactory evidence being presented to the circuit court of the county where such real estate lies, that such judgment, or the sum ascertained and determined by the jury as the just compensation to be paid by such district for such site, has been paid, or that the amount thereof has been deposited according to the provisions of the preceding sections, such court shall, by an order or decree, adjudge and determine that the title in fee of such real estate shall, from the time of making such payment or deposit, forever thereafter be vested in such school district and its successors and assigns, and shall, in and by such order or decree, award to such school district a writ of possession for the recovery of the possession of such real estate; a copy of which order or decree, certified by the clerk of said county, shall be recorded in the office of the register of deeds of such county, and the title of such real estate shall thenceforth, from the time of making such payment or deposit, be vested forever thereafter in such school district, and its successors and assigns in fee.

(§98.) SEC. 10. Such school district may, at any time after making payment or deposit hereinbefore required, enter upon and take possession of such real estate for the use of said

district. And it shall be the duty of the county clerk of said county, on the request of said school district, to issue out of and under the seal of the circuit court of said county a writ of possession as awarded in such order or decree; which writ shall be directed to the sheriff of said county, and shall be tested and made returnable, and shall be substantially, so far as may be, in the same form provided for writs of possession in actions of ejectment; and it shall be the duty of such sheriff thereupon to remove the respondent or respondents in such proceedings, and all persons holding under them or either of them, from the real estate described in such decree and in such writ, and deliver the possession thereof with the appurtenances to such school district.

(§99.) SEC. 11. In case the jury hereinbefore provided for shall not agree, another jury may be summoned in the same manner, and the same proceedings may be had, except that no further notice of the proceedings shall be necessary; but instead of such notice, the judge, commissioner or justice may adjourn the proceedings to such time as he shall think reasonable, not exceeding thirty days, and shall make the process to summon a jury returnable at such time and place as the said proceedings shall be adjourned to. Such proceedings may be adjourned from time to time by the said judge, or commissioner, or justice, on the application of either party, and for good cause, to be shown by the party applying for such adjournment, unless the other party shall consent to such adjournment; but such adjournments shall not in all exceed three months.

(§100.) SEC. 12. In case the said school house site is encumbered by mortgage, levy, tax sale, or otherwise as aforesaid, the mortagee, or other parties claiming to be interested in said title shall severally be made a party to the procedure as aforesaid, and shall be authorized upon the filing of the certificate of the jury in the circuit court of said county, to appear before the circuit judge and make proof relative to their proportionate claims to the said site, or the compensation to be made therefor as determined by said jury.

When a jury disagrees may a new jury be summoned?

And the said circuit judge shall, by decree, settle their several claims in accordance with the rights of the parties respectively, and may divide the sum awarded by said jury between the claimants as in his judgment will be equitable and right, rendering against said district a separate judgment for each of the amounts so awarded.

(§101.) SEC. 13. The circuit judge, judge of probate, or circuit court commissioner of any county where any money has been deposited with the county treasurer of such county, as hereinbefore provided, shall, upon the written application of any person or persons entitled to such money, and upon receiving satisfactory evidence of the right of such applicant to the money thus deposited, make an order, directing the county treasurer to pay the money thus deposited with him to said applicant; and it shall be the duty of such county treasurer, on the presentation of such order, with the receipt of the person named therein indorsed on said order and duly acknowledged, in the same manner as conveyances of real estate are required to be acknowledged, to pay the same; and such order, with the receipt of the applicant or person in whose favor the same shall be drawn, shall, in all courts and places, be presumptive evidence in favor of such county treasurer, to exonerate him from all liability to any person or persons for said money thus paid by him.

(§102.) SEC. 14. Circuit judges, circuit court commissioners, and justices of the peace, for any services rendered under the provisions of this act, shall be entitled to the same fees and compensation as for similar services in other special proceedings. Jurors, constables and sheriffs shall be entitled to the same fees as for like services in civil cases in the circuit court.

(§103.) SEC. 15. In case any circuit judge, circuit court commissioner, or justice of the peace, who shall issue a summons or *venire* for a jury, shall be unable to attend to any of the subsequent proceedings in such case, any other circuit court commissioner or justice of the peace may attend and finish said proceedings.

CHAPTER IX.

APPEALS FROM ACTION OF INSPECTORS.

(§104.) SECTION 1. Whenever any five or more tax-paying electors, having taxable property within any school district, shall feel themselves aggrieved by any action, order, or decision of the board of school inspectors, with reference to the formation, or any division, or consolidation of said school district, they may, at any time within sixty days from the time of such action on the part of said school inspectors, appeal from such action, order, or decision of said board of school inspectors to the township board of the township in which such school district is situated, and in case of fractional school districts notice of such appeal shall be served on the clerk of the joint boards of school inspectors who have made the decision appealed from, who shall, within five days, give notice thereof to the township boards of the several townships in which the different parts of the said fractional school district are situated, who shall have power, and whose duty it shall be, acting jointly, to entertain such appeal, and review, confirm, set aside, or amend the action, order, or decision of the board of school inspectors thus appealed from; or if in their opinion the appeal is frivolous or without sufficient cause, they may summarily dismiss the same.

(§105.) SEC. 2. Said appellants shall, before taking such appeal, make out and file with the board of school inspectors, or in case of fractional school districts to the clerk of the joint boards of school inspectors, a written statement, to be signed by said appellants, setting forth in general terms the action, order, or decision of the board or boards of school inspectors with respect to which the appellants feel themselves aggrieved, and their demand for an appeal therefrom to the township board or boards of said township or townships, and shall also cause to be executed and signed by one of their number, and by two good and sufficient sureties to be approved by the clerk of said board or joint boards of

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How and when may the electors of a district appeal from the order or decision of the board of school inspectors?

school inspectors or by any justice of the peace of the township, and filed with the clerk of said board or joint boards of school inspectors, a bond to the people of the State of Michigan in the penal sum of two hundred dollars, conditioned for the due prosecution of said appeal before said township board or boards acting jointly, and also, in case of the dismissal of said appeal as frivolous by said township board or joint boards, for the payment by said appellants of all costs occasioned to the township or townships by reason of said appeal.

(§106.) SEC. 3 Upon the filing of such appeal papers and bond with the said board or joint boards of school inspectors, the said board or joint boards of school inspectors shall, within ten days thereafter, make out and file with the clerk of said township in which the said school-house is located, a full and complete transcript of all their proceedings, actions orders, or decisions with reference to which the appeal is taken, and of their records of the same; also said bond and appeal papers, and all petitions and remonstrances, if any, with reference to the matters appealed from; and upon the filing of the same with the said township clerk, the said township board or boards shall be deemed to be in possession of the case, and if the return be deemed by them insufficient, may order a further and more complete return by said board or boards of school inspectors; and when such return shall by them be deemed sufficient, they shall proceed with the consideration of the appeal, at such time or times, within ten days after such return, and in such manner and under such affirmation, amendment or reversal of the action, order, or decision of the board or boards of school inspectors appealed from, as in their judgment shall seem to be just and right; or, they deem the appeal to be frivolous, they may summarily dismiss the same; but the decision of said board or boards of school inspectors shall not be altered or reversed, unless a majority of such township board or boards, not members of said board or boards of school inspectors, shall so determine.

What is the duty of the board of school inspectors when an appeal is filed?

CHAPTER X.

GRADED SCHOOL DISTRICTS.

(§107.) SECTION 1. Any school district containing more than one hundred children between the ages of five and twenty years may, by a two-thirds vote of the qualified electors present at any annual meeting, organize as a graded school district: *Provided*, That the intention to take such vote shall be expressed in the notice of such annual or special meeting. When such change in the organization of the district shall have been voted, the voters at such annual or special meeting shall proceed immediately to elect by ballot from the qualified voters of the district one trustee for the term of one year, two for the term of two years, and two for a term of three years, and annually thereafter a successor or successors to the trustee or trustees whose term of office shall expire: *Provided also*, In all districts organized prior to the year eighteen hundred and eighty-three there shall be one trustee elected at the annual meeting for the year eighteen hundred and eighty-three, and thereafter there shall be elected a trustee or trustees in the manner aforsaid, whose term of office shall be three years, and until his or their successor or successors shall have been elected and filed his or their acceptance: *Provided also*, That in the election of trustees, and all other school officers, the person receiving a majority of all the votes shall be declared elected.

(§108.) SEC. 2. Within ten days after their election such trustees shall file with the director acceptances of the offices to which they have been elected, and shall annually elect from their own number a moderator, a director, and assessor, and for cause may remove the same, and may appoint others of their own number in their places, who shall perform the duties prescribed by law for such offices in other school districts in this State, except as hereinafter provided. The trustees shall have power to fill any vacancy that may occur in their number till the next annual meeting. Whenever, in

What districts may organize as graded school districts? Describe the method of electing trustees. Term of office.

any case, the trustees shall fail, through disagreement or neglect, to elect the officers named in this section, within twenty days next after the annual meeting, the school inspectors of the township or city to which such district makes its annual report shall appoint the said officers from the number of said trustees.

(§109.) SEC. 3. It shall be the duty of the board of trustees in any graded school district:

First, To classify and grade the pupils attending schools in such district and cause them to be taught in such schools or departments as they may deem expedient;

Second, To establish in such district a high school when ordered by a vote of the district at an annual meeting, and to determine the qualifications for admission to such school, and the fees to be paid for tuition in any branch taught therein: *Provided*, That when non-resident pupils, their parents or guardians, shall pay a school tax in said district, the same shall be credited on their tuition a sum not to exceed the amount of such tuition and they shall only be required to pay tuition for the difference between the amount of the tax and the amount charged for tuition;

Third, To audit and order the payment of all [of] the accounts of the director for incidental or other expenses incurred by him in the discharge of his duties; but no more than fifty dollars shall be expended by the director in one year for repairs of the buildings or appurtenances of the district property without the authority of the board of trustees:

Fourth, To employ all qualified teachers necessary for the several schools, and to determine the amount of their compensation and to require the director and moderator to make contracts with the same on behalf of the district, in accordance with the provisions of law concerning contracts with teachers;

Mention the duty of trustees, First. Second. Third. Fourth. Fifth. Sixth.

Fifth, To employ such officers and servants as may be necessary for the management of the schools and school property, and prescribe their duties and fix their compensation;

Sixth, To perform such other duties as are required of district boards in other school districts.

(§110.) SEC. 4. No alteration shall be made in the boundaries of any graded school district, without the consent of a majority of the trustees of said district, which consent shall be spread upon the records of the district, and placed on file in the office of the clerk of the board of school inspectors of the township or city to which the reports of said district are made; and graded school districts shall not be restricted to nine sections of land.

(§111.) SEC. 5. Whenever two or more contiguous districts having together more than one hundred children between the ages of five and twenty years, after having published in the notices of the annual meetings of each district the intention to take such action, shall severally, by a vote of two-thirds of the qualified voters attending the annual meetings in said district, determine to unite for the purpose of establishing a graded school district under the provisions of this chapter, the school inspectors of the township or townships in which such districts may be situated shall, on being properly notified of such vote, proceed to unite such districts, and shall appoint, as soon as practicable, a time and place for a meeting of the new district, and shall require three notices of the same to be posted in each of the districts so united at least five days before the time of such meeting, and at such meeting the district shall elect a board of trustees, as provided in section one of this chapter, and may do whatever business may be done at any annual meeting.

SEC. 6. Whenever the trustees of any organized graded school district shall be presented twenty days before the annual meeting thereof, with a petition signed by ten electors of said district, stating that it is the desire of said petitioners

Can two or more districts unite to form a graded school district? How may a graded school district be changed to one or more primary school districts?

that at the annual meeting of said school district there shall be submitted to said annual meeting the proposition to change from a graded school district to one or more primary school districts the said trustees shall, in their notice of such annual meeting, state that the proposition set forth in said petition will be presented to said meeting, and if two thirds of the qualified voters present at said meeting shall vote to change to one or more primary school districts such change shall be made, and it shall be the duty of the board of school inspectors of the township or townships in which such district is situated, upon being duly notified of such vote, to proceed to change or divide such district as determined by such annual meeting, and they shall provide for the holding of the first meeting in the or each of the proposed primary school districts in the same manner as is provided for by law for the organization of primary school districts, and whenever a fractional graded school district shall be so changed, the township boards of school inspectors of the respective townships where such graded school district is situated, shall organize the said district into one or more school districts, as provided for by law.

CHAPTER XI.

LIBRARIES.

(§112.) SECTION 1. A township library shall be maintained in each organized township, which shall be the property of the township, and shall not be subject to sale or alienation from any cause whatever. All actions relating to such library, or for the recovery of any penalties lawfully established in relation thereto, shall be brought in the name of the township.

(§113.) SEC. 2. All persons who are residents of the township shall be entitled to the privileges of the township library, subject to such rules and regulations as may be lawfully established in relation thereto: *Provided*, That persons residing within the boundaries of any school district in which

Are township libraries to be maintained? Who are entitled to privileges of library?

a district library has been established shall be entitled to the privileges of such district library only.

(§114.) SEC. 3. The township board of school inspectors shall have charge of the township library, and shall apply for and receive from the township treasurer all moneys appropriated for the township library of their township, and shall purchase the books and procure the necessary appendages for such library.

(§115.) SEC. 4. Said board shall be held accountable for the proper care and preservation of the township library, and shall have power to provide for the safe keeping of the same, to prescribe the time for taking and returning books, to assess and collect fines and penalties for the loss or injury of said books, and to establish all other needful rules and regulations for the management of the library, as said board shall deem proper, or the superintendent of public instruction may advise.

(§116.) SEC. 5. The board of school inspectors shall cause the township library to be kept at some central or eligible place in the township, which it shall determine; such board shall also, within ten days after the annual township meeting, appoint a librarian for the term of one year, to have the care and superintendence of said library, who shall be responsible to the board of school inspectors for the impartial enforcement of all rules and regulations lawfully established in relation to said library.

(§117.) SEC. 6. Any school district, by a two-thirds vote at any annual meeting, may establish a district library, and such district shall be entitled to its just proportion of books from the library of any township in which it is wholly or partly situated, to be added to the district library, and also to its equitable share of any library moneys remaining unexpended in any such township or townships at the time of the

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Who shall have charge of and be accountable for care of library? Where shall library be kept? How is librarian appointed? What school districts may establish libraries? Briefly state the law in regard thereto.

establishment of such district library, or that shall thereafter be apportioned to the township to the inspectors of which the annual report of its director is made.

(§118.) SEC. 7. The district board of any school district in which a district library may be established in accordance with the provisions of this act shall have charge of such library; and the duties and responsibilities of said district board in relation to the district library, and all moneys raised or apportioned for its support, shall be the same as those of the board of school inspectors are to the township library.

(§119.) SEC. 8. The school inspectors shall give in their annual report to the superintendent of public instruction, such facts and statistics relative to the management of the township library and the library moneys, as the superintendent of public instruction shall direct; and the district board of any school district having a library, shall cause to be given in the annual report of the director to the board of school inspectors, like facts and statistics relative to the district library, which items shall also be included by the said inspectors in their annual report.

(§120.) SEC. 9. In case the board of school inspectors of any township; or the district board of any school district, shall fail to make the report required by the preceding section, or in case it shall appear from the reports so made that any township or school district has failed to use the library money in strict accordance with the provisions of law, such township or district shall forfeit its share of the library moneys that are apportioned, and the same shall be apportioned to the several other townships and districts in the county as hereinafter provided: *Provided*, that in townships where the boards thereof shall determine and report to the superintendent that the public will be better served by using the said money for general school purposes, no such forfeiture shall occur.

(§121.) SEC. 10. The superintendent of public instruction shall annually and previous to the tenth day of May, transmit to the clerk of each county a statement of the townships in his county that are entitled to receive library moneys, giv-

ing the number of children in each of such townships between the ages of five and twenty years, as shall appear from the reports of the boards of school inspectors for the school year last ending; said clerk shall file such statement in his office, and shall forthwith furnish a copy thereof to the county treasurer.

(§122.) SEC. 11. The clear proceeds of all fines for any breach of the penal laws of this State and for penalties, or upon any recognizances in criminal proceedings, and all equivalents for exemptions [exemption] from military duty when collected in any county and paid into the county treasury, together with all moneys heretofore collected and paid into said treasury on account of such fines or equivalents, and not already appropriated [apportioned], shall be apportioned by the county treasurer before the first day of June in each year, among the several townships in the county, according to the number of children therein, between the ages of five and twenty years, as shown by the statement of the superintendent of public instruction provided for in the preceding section, which money shall be exclusively applied to the support of the township and district libraries, and to no other purposes. *Provided*, That from and after January first, one thousand eight hundred and eighty-two, such money may be used for general school purposes in any township wherein the township board thereof shall so determine.

(§123.) SEC. 12. The qualified voters of each township shall have power, at any annual township meeting, to vote a tax for the support of libraries established in accordance with the provisions of this act, and the qualified voters of any school district, in which a district library shall be established, shall have power, at any annual meeting of such district, to vote a district tax for the support of said district library. When any tax authorized by this section shall have been voted, it shall be reported to the supervisor, levied and collected in the same manner as other township and school district taxes.

May the voters levy a tax for the support of libraries?

(§124.) SEC. 13. The district board of any school district may donate or sell any library book or books belonging to such district to the board of school inspectors of the township or townships in which said district is wholly or partly situated, which book or books shall thereafter form a part of the township library.

CHAPTER XII.

As amended 1893.

EXAMINATION OF TEACHERS AND SUPERVISION OF SCHOOLS.

(§125.) SECTION 1. *The People of the State of Michigan enact*, That at the meetings of the several boards of supervisors of the different counties of the State, to be held on the fourth Monday in June, eighteen hundred and ninty-one, the said several boards of supervisors shall elect a county commissioner of schools for their respective counties, whose term of office shall commence on the fourth Tuesday of August next following, who shall hold his or her office until the first day of July, eighteen hundred ninety-three, or until his or her successor shall be elected and qualified. Said boards of supervisors shall also on said fourth Monday of June appoint two persons as school examiners, who, together with said commissioner of schools, shall constitute a board of school examiners. One of said school examiners shall be appointed for a period of one year and the other for a period of two years from and after the second Monday of October next after their appointment, or until their successors have been appointed and have qualified; and thereafter such boards of supervisors shall, at each annual session, appoint one examiner who shall hold his office for a period of two years, or until his successor shall have been appointed and qualified. Any person shall be eligible to the office of examiner who shall hold at least a third grade certificate, and has taught in the public schools at least nine months, or who has the qualifications required of commissioner as in section 3 of this act. Within ten days after such commissioner or examiner shall

How are county commissioners of schools elected? How are school examiners elected? What persons are eligible to the office of examiner?

have received legal notice of his or her election, he or she shall take and subscribe to the constitutional oath of office, and the same shall be filed with the county clerk. The said county commissioner, so appointed, shall execute a bond with two sufficient sureties, to be approved by and filed with the county clerk, in the penal sum of one thousand dollars, conditioned that he or she will faithfully discharge the duties of his or her office according to law, and to faithfully account for and pay over to the proper persons all money which may come into his or her hands by reason of his or her holding such office; and thereupon the county clerk shall report the name and post-office address of such county commissioner to the State superintendent of public instruction.

(§126.) SEC. 2. There shall be elected at the election held on the first Monday in April, eighteen hundred and ninety-three, and every second year thereafter, in each county, one county commissioner of schools, whose term of office shall commence on the first day of July next following his or her election, and who shall continue in office two years or until his or her successor shall be elected and qualified. The county commissioner of schools elected under the provisions of this section shall file with the county clerk for the county for which he or she is elected his or her oath of office and bond, the same as provided in section one of this act, and the county clerk shall make the same report to the Superintendent of Public Instruction in all respects as provided in section one of this act.

(§127.) SEC. 3. No person shall be eligible to the office of county commissioner of schools who shall not be a graduate in the literary department of some reputable college, university or State normal school, or hold a State teacher's certificate, or who shall not have held a first grade certificate, within two years next preceding the time of his or her election, or shall have held the office of county commissioner under this act: *Provided*, That in counties having less than fifty schools subject to the supervision of the county commissioner, a person

What bond is required of the county commissioner? What persons are eligible to the office of county commissioner?

holding at the time of his or her election a second grade certificate shall be eligible.

(§128.) SEC. 4. The board of school examiners shall, for the purpose of examining all persons who may offer themselves as teachers for the public schools, hold two regular public examinations in each year at the county seat, which examination shall begin on the last Thursday of March and the first Thursday of August in each year; and for a like purpose the board of school examiners shall hold not to exceed four special public examinations at such times and places as in the judgement of the board of school examiners the interests of the schools and teachers of the county may require: *Provided*, The first and second grade certificates shall be granted only at the regular public examinations provided for in this section. It shall be the duty of the county commissioner to make out a schedule of the times and places of holding special examinations, and to cause it to be published in one or more newspapers of the county at least ten days before each special examination, and he or she shall send a copy thereof to the chairman of each township board of school inspectors in the county at least ten days previous to the time of holding any special examination.

(§129.) SEC. 5. The board of school examiners shall meet on the Saturday of the week following such public examination held by the county commissioner and shall grant certificates to teachers in such form as the superintendent of public instruction shall prescribe, licensing as teachers who shall have obtained the age of seventeen years, who have attended said public examinations and who shall be found qualified in respect to good moral character, learning and ability to instruct and govern a school, but no certificate shall be granted to any person who shall not have passed a satisfactory examination in orthography, reading, writing, grammar, geography, arithmetic, theory and art of teaching, United States history, civil government and physiology and hygiene with reference

When and where are examinations to be held? How many may be held in one year? What notice must be given? How old must a person be in order to obtain a teachers' certificate? What are the requirements to obtain one?

to the effects of alcoholic drinks, stimulants and narcotics upon the human system. The board of examiners shall have the right, however, to renew without examination the certificates of persons who shall have previously obtained an average standing of at least 85% on all branches covered in two or more examinations and who shall have been, since that examination, continuously and successfully teaching in the same county. All certificates shall be signed by the county commissioner and by at least one other member of the board of examiners. No person shall be considered a qualified teacher within the meaning of this act, nor shall any school officer employ or contract with any person to teach in any of the public schools, under the provisions of this act, who has not a certificate in force, granted by the board of school examiners or other lawful authority. All examination questions shall be prepared and furnished by the superintendent of public instriction to the county commissioner under seal, to be opened in the presence of the applicants for certificates on the day of examination.

(§130.) SEC. 6. There shall be three grades of certificates granted by the board of school examiners, in its discretion, and subject to such rules and regulations as the Superintendent of Public Instruction may prescribe, which grades of certificates shall be as follows: The certificate of the first grade shall be granted only to those who have taught at least one year with ability and success, and it shall be valid throughout the State for four years: *Provided*, That all examination papers for first grade certificates, favorably passed upon by the board of examiners, together with such certificate shall be forwarded to the Superintendent of Public Instruction within ten days from date of examination for inspection: *And provided further*, That no first grade certificate shall be valid in any county other than that in which it is granted, unless approved and countersigned by the Superintendent of Public Instruction and a copy filed with the county commissioner in the county in which the holder of said certificate desires to

Can the board renew certificates without examination? How are examination questions furnished? Describe the three grades of certificates.

teach. The certificate of the second grade shall be granted only to those who shall have taught at least seven months with ability and success, and it shall be valid throughout the county for which it shall be granted for three years. The certificates of the third grade shall be divided into two classes known as A and B. Third grade certificates of class A shall be granted only to persons who have taught successfully and continuously for at least five years next preceding the examination, in primary departments of graded schools, and the certificate of this class shall entitle the holder to teach in primary departments of graded schools only. Third grade certificates of class B. shall license the holder to teach in any school of the county in which it shall be granted, for one year; but no more than three certificates of this class shall be granted to the same person: *Provided*, That the county commission shall have the power upon personal examination satisfactory to himself or herself to grant certificates which shall license the holder thereof to teach in a specified district for which it shall be granted, but such certificate shall not continue in force beyond the time of the next public examination and in no case shall a second special certificate be granted the same person, and it shall not in any way exempt a teacher from a full examination: *Provided further*, That in case the holder of a special certificate does not appear for examination before the board at the next public examination succeeding the date of such special examination a second special certificate shall not be granted to such person except when it appears to the commissioner on good evidence that the absence was occasioned by sickness or other unavoidable cause.

(§131) SEC. 7. The board of school examiners may suspend or revoke any teacher's certificate issued by them for any reason which would have justified said board in withholding the same when given for neglect of duty, for incompetency to instruct or govern a school, or for immorality, and the said board may, within their jurisdiction, suspend for immorality

What is said in regard to class A and B of the third grade? What is the law in regard to special certificates? Teachers' certificates may be suspended or revoked for what causes?

or incompetency to instruct and govern a school the effect of any teacher's certificates that may have been granted by other lawful authority: *Provided*, That no certificates shall be suspended or revoked without a personal hearing, unless the holder thereof shall, after a reasonable notice, neglect or refuse to appear before the said board for that purpose.

(§132.) SEC. 8. It shall be the duty of the county commissioner:

First, Immediately after his or her qualification as commissioner, to send notice thereof to the Superintendent of Public Instruction and the chairman of each township board of school inspectors of the county;

Second, To keep a record of all examinations held by the board of school examiners and to sign all certificates and other papers and reports issued by the board;

Third, To receive the institute fees provided by law and to pay the same to the county treasurer quarterly, beginning September thirty in each year;

Fourth, To keep a record of all certificates granted, suspended or revoked by the said board or commissioner, showing to whom issued, together with the date, grade, duration of each certificate and, if suspended or revoked, with the date and reason thereof;

Fifth, To furnish, previous to the first Monday in September in each year to the township clerk of each township in the county, a list of all persons legally authorized to teach in the county at large, and in such township, with the date and term of each certificate, and if any have been suspended or revoked, the date of such suspension or revocation;

Sixth, To visit each of the schools in the county at least once in each year and to examine carefully the discipline, the mode of instruction, and the progress and proficiency of pupils: *Provided*, That in case the county commissioner

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Mention the duties of county commissioner of Schools, First, Second. Third. Fourth. Fifth. Sixth. Seventh Eighth. Ninth. Tenth. Eleventh.

is unable to visit all the schools of the county as herein required, the said commissioner may appoint such assistant visitors as may be necessary, who shall perform such duties pertaining to the visitation and supervision of schools as said commissioner shall direct: *Provided*, That the whole expense incurred by such assistant visitors shall not exceed the sum of ninety dollars in any one year;

Seventh, To counsel with the teachers and school boards as to the courses of study to be pursued, and as to any improvement in the discipline and instruction in the schools;

Eighth, To promote by such means as he or she may devise, the improvement of the schools in the county, and the elevation of the character and qualifications of the teachers and officers thereof, and act as assistant conductor of institutes appointed by the Superintendent of Public Instruction and perform such duties pertaining thereto as the superintendent shall require;

Ninth, To receive the duplicate annual reports of the several boards of school inspectors, examine into the correctness of the same, requiring them to be amended when necessary, indorse his or her approval upon them, and immediately thereafter and before the first day of November in each year, transmit to the Superintendent of Public Instruction one copy of each of said reports and file the other in the office of the county clerk;

Tenth, To be subject to such instructions and rules as the Superintendent of Public Instruction may prescribe; to receive all blanks and communications that may be sent to him or her by the Superintendent of Public Instruction and to dispose of the same as directed by the said Superintendent, and to make annual reports at the close of the school year to the Superintendent of Public Instruction of his or her official labor, and of the schools of the county, together with such other information as may be required;

Eleventh, To perform such other duties as may be required of him or her by law, and at the close of the term of office to deliver all records, books and papers belonging to the office, to his or her successor.

(§133.) SEC. 9. It shall be the duty of the chairman of the board of school inspectors of each township:

First, To have general supervisory charge of the schools of his township, subject to such advice and direction as the county commissioner may give;

Second, To make such reports of his official labors and of the condition of the schools as the Superintendent of Public Instruction may direct or commissioner request.

(§134.) SEC. 10. The compensation of each commissioner shall be determined by the board of supervisors of each county respectively, but the compensation shall not be fixed at a sum less than five hundred dollars per annum in any county where there are fifty schools under his or her supervision; at not less than one thousand dollars per annum where there are one hundred schools under such supervision; and not less than twelve hundred dollars where there are one hundred and twenty-five schools under his supervision; and in no case shall such compensation exceed the sum of fifteen hundred dollars per annum. Each member of the board of school examiners other than the county commissioner shall receive four dollars for each day actually employed in the duties of his office. The compensation of any assistant visitor, when appointed as provided in this act, shall be determined by the county commissioner, but in no case shall it exceed three dollars for each day employed. The compensation of the county commissioner, members of the board of school examiners and of any assistant visitor, shall be paid quarterly from the county treasury, upon such commissioner or visitor filing with the county clerk a certified statement of his or her account, which shall give in separate items the nature and amount of the service for each day for which compensation is claimed: *Provided*, That in no case shall the county commissioner receive any order for compensation from the county clerk until he has filed a certified statement from the Superintendent of Public Instruction that all reports required of the commissioner have

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Mention the duties of the chairman of the board of school inspectors, First. Second. What is said of the compensation of commissioner, examiners and assistant visitors?

been properly made and filed with said superintendent: *Provided further*, That no commissioner shall receive an order for compensation until he shall have filed with the county clerk a detailed statement under oath showing what schools have been visited by him during the preceding quarter and what amount of time was employed in each school, naming the township and school district. The necessary contingent expenses of the commissioner for printing, postage, stationery, record books and rent of rooms for public examinations shall be audited and allowed by the board of supervisors of the county, but in no county shall the expenses so allowed exceed the sum of two hundred dollars per annum, and no traveling fees shall be allowed to the commissioner or to any assistant visitor or school examiner.

(§135.) SEC. 11. No county commissioner shall act as agent for the sale of any school furniture, text-books, maps, charts or other school apparatus, nor be interested financially in any summer normal, or teachers' training class in the county for which he was elected.

(§136.) SEC. 12. Whenever by death, resignation, removal from office or otherwise a vacancy shall occur in the office of the county commissioner of schools, the county clerk shall issue a call to the chairman of the township board of school inspectors of each township in the county, who shall meet at the office of the county clerk on a date to be named in said [notices] notice not more than ten days from the date of the notice, and appoint a suitable person to fill the vacancy for the unexpired portion of the term of office.

(§137.) SEC. 13. All schools which by special enactment may have a district board authorized to inspect and grant certificates to the teachers employed in the same, shall be exempt from the provisions of this act, as to the examination and licensing of teachers. The officers of every school district which is or shall hereafter be organized in whole or in

What articles are commissioners prohibited from acting as agent for? What may they not be interested in financially? How are vacancies filled? What is said in regard to licensing teachers and the supervision of city schools?

part in any incorporated city in this State where no special enactments shall exist in regard to the licensing of teachers shall have power to examine and license, or may require the county commissioner to examine and license teachers for such district, and such license shall be valid in said district for the term of three years. All city schools having a superintendent employed by their respective boards of education shall be exempt from the provisions of this chapter as to the examination and licensing of teachers and as to the supervision of the schools in such city, but all such schools shall, through their proper officers, make such reports as the Superintendent of Public Instruction may require.

CHAPTER XIII.

PENALTIES AND LIABILITIES.

(§138.) SECTION 1. Any taxable inhabitant of a newly formed district receiving the notice of the first meeting, who shall neglect or refuse duly to serve and return such notice, and every chairman of the first district meeting in any district, who shall wilfully neglect or refuse to perform the duties enjoined on him in this act shall respectively forfeit the sum of five dollars.

(§139.) SEC. 2. Any person duly elected to the office of moderator, director, assessor, or trustee of a school district who shall neglect or refuse, without sufficient cause, to accept such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

(§140.) SEC. 3. Any person duly elected or appointed a school inspector, who shall neglect or refuse, without sufficient cause, to qualify and serve as such, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

What is neglect of duty of a taxable inhabitant and penalty? Of district officer? Of school inspector?

(§141.) SEC. 4. If any board of school inspectors shall neglect or refuse to make and deliver to the township clerk their annual report as required by this act, within the time limited therefor, they shall be liable to pay the full amount of money lost by their failure, with interest thereon, to be recovered by the township treasurer in the name of the township, in an action of debt, or on the case; and if any township clerk shall neglect or refuse to transmit the report herein mentioned within the time limited therefor, he shall be liable to pay the full amount lost by such neglect or refusal, with interest thereon, to be recovered in an action of debt or on the case.

(§142.) SEC. 5. Any county clerk who shall neglect or refuse to transmit to the superintendent of public instruction the reports required by this act, within the time therefor limited, shall be liable to pay to each township the full amount which such township, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered in an action of debt, or on the case.

(§143.) SEC. 6. All the moneys collected or received by any township treasurer under the provisions of either of the two last preceding sections, shall be apportioned and distributed to the school districts entitled thereto, in the same manner and in the same proportion that the moneys lost by any neglect or refusal therein mentioned would, according to the provisions of this act, have been apportioned and distributed.

(§144.) SEC. 7. Any township clerk who shall neglect or refuse to certify to the supervisor any school district taxes that have been reported to him as required by this act, and any supervisor wilfully neglecting to assess any such tax shall be liable to any district for any damage occasioned thereby, to be recovered by the assessor in the name of the district, in an action of debt, or on the case.

(§145.) SEC. 8. The township board of each township, and in the case of fractional school districts, the township board

What is neglect of duty of a township clerk and penalty? Of county clerk? Of township clerk and supervisor?

of the township in which the district school-house thereof is situated, shall have power and is hereby required to remove from office, upon satisfactory proof, after at least five days' notice to the party implicated, any district officer or school inspector who shall have illegally used or disposed of any of the public moneys entrusted to his charge, or who shall persistently and without sufficient cause refuse or neglect to discharge any of the duties of his office. And in case of such removal it shall be the duty of the township clerk of such township to enter in the records of such township the resolution or order of such board, for such removal; and such record of such resolution or order so entered, or a certified copy thereof, shall be *prima facie* evidence in all courts and places of the jurisdiction of such board and of the regularity of the proceedings for such removal, and (unless the party so removed shall, within thirty days after such removal, institute proceedings before a court of competent jurisdiction for the removal of such order for removal, or if after such thirty days such proceedings to obtain such removal shall be discontinued or dismissed) shall be conclusive evidence of jurisdiction and regularity, if it shall appear that the party so removed had five days' notice of the time and place fixed by said board for the hearing of the case as aforesaid.

(§146.) SEC. 9. No school officer, superintendent, or teacher of schools, shall act as agent for any author, publisher, or seller of school books, or shall directly or indirectly receive any gift or reward for his influence in recommending the purchase or use of any library or school book or school apparatus, or furniture whatever, nor shall any school officer be personally interested in any way whatever in any contract with the district in which he may hold office. Any act or neglect herein prohibited, performed by any such officer, superintendent, or teacher, shall be deemed a misdemeanor.

(§147.) SEC. 10. All provisions of this act shall apply and be in force in every school district, township, city and village

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For what reason can a township board remove school officers? What restrictions are placed upon teachers and school officers?

in this State, except such as may be inconsistent with the direct provisions of some special enactment of the Legislature.

(§148.) SEC. 11. This section refers to repeals of parts of former acts.

CHAPTER XIV.

ELECTION OF SCHOOL INSPECTORS.

(§149.) SECTION 1. *The people of the State of Michigan enact*, That sections eight and fourteen of chapter twelve, of the compiled laws of eighteen hundred and seventy-one, as amended by act number forty-two of the session laws of eighteen hundred and seventy-five, are hereby amended, and section thirteen of the same chapter, repealed by said act, is hereby restored and amended, and section one hundred and three of the same chapter, as amended by act number one hundred and ninety-nine of the session laws of eighteen hundred and seventy-nine, is hereby amended, all of said sections to read as follows:

(§150.) SEC. 2. The annual meeting of each township shall be held on the first Monday in April, in each year, and at such meeting there shall be an election for the following officers: one supervisor, one township clerk, one treasurer, one school inspector, one commissioner of highways, so many justices of the peace as there are by law to be elected in the township, and so many constables as shall be ordered by the meeting, not exceeding four in number.

(§151.) SEC. 3. Each school inspector elected as aforesaid shall hold his office for two years from that time and until his successor shall be elected and duly qualified, except when elected or appointed to fill a vacancy, in which case he shall hold the office during the unexpired portion of the regular term: *Provided*, That in the year eighteen hundred and eighty-two one additional school inspector in each township shall be elected for the term of one year: *Provided, further*, That the township superintendent of schools and school inspectors now in office shall continue to act as school inspec-

When and for what terms are school inspectors elected?

tors, and said superintendent of schools shall continue to act as chairman of the board of school inspectors until the school inspectors provided for by this act shall have been elected and duly qualified and shall enter upon the duties of their respective offices.

(§152) SEC. 4. Each of the officers elected at such meetings, except justices of the peace and school inspectors, shall hold his office for the term of one year, and until his successor shall be elected and duly qualified.

(§153.) SEC. 5. No person, except an elector, as aforesaid, shall be eligible to any elective office contemplated in this chapter: *Provided, however*, That any female person of or above the age of twenty-one years, who has resided in this State three months and in the township ten days next preceding any election, shall be eligible to the office of school inspector.

CHAPTER XV.

TEACHERS' INSTITUTES.

(§154.) SECTION 1. *The People of the State of Michigan enact*, That all boards or officers authorized by law to examine applicants for certificates of qualification as teachers shall collect, at the time of examination, from each male applicant for a certificate, an annual fee of one dollar, and from each female applicant for a certificate, an annual fee of fifty cents, and the director or secretary of any school board that shall employ any teacher who has not paid the fee hereinbefore provided, shall collect, at the time of making contract, from each male teacher so employed, an annual fee of one dollar, and from each female teacher so employed, an annual fee of fifty cents. All persons paying a fee, as required by this section, shall be given a receipt for the same, and no person shall be required to pay said fee more than once in any school year.

(§155.) SEC. 2. All such fees collected by the director or secretary of any school board shall be paid over to the sec-

Who are eligible to the office of school inspector? What fees are to be collected from teachers?

retary of the county board of school examiners of the county in which they were collected, on or before the fifteenth day of March, June, September and December, accompanied by a list of those persons from whom they were collected, and all of such fees, together with all those that shall be collected by the county board of school examiners, shall be paid over by the secretary of said board of school examiners to the treasurer of the county in which they were collected, on or before the last day of March, June, September and December, in each year, accompanied by a complete list of all persons from whom said fees were collected; and a like list, accompanied by a statement from the county treasurer that said fees have been paid to him, shall be sent by said secretary to the superintendent of public instruction. All moneys paid over to the county treasurer as provided by this act shall be set apart as a teacher's institute fund, to be used as hereinafter provided.

(§156.) SEC. 3. The superintendent of public instruction shall annually appoint a time and place in each organized county for holding a teachers' institute, make suitable arrangements therefor and give due notice thereof: *Provided*, That in organized counties having less than one thousand children between the ages of five and twenty years, the holding of said institute shall be optional with the said superintendent, unless requested to hold such institute by fifteen teachers of the county in which such institute is to be held. *Provided, however*, That if there shall not be a sufficient number of teachers in any county to make such request, then teachers of adjoining counties who desire to attend such institute may unite in the required application to said superintendent. *Provided, also*, That the said superintendent may, in his discretion, hold an institute for the benefit of two or more adjoining counties, and draw the institute fund from each of the counties thus benefited, as hereinafter provided.

(§157.) SEC. 4. The superintendent of public instruction, in case of inability personally to conduct any institute or to make the necessary arrangements for holding the same, is

What are the fees collected from teachers to constitute? What is said of annual county institutes?

hereby authorized to appoint some suitable person for that purpose, who shall be subject to the direction of said superintendent. Every teacher attending any institute held in accordance with the provisions of this act, shall be given by the superintendent of public instruction, or by the duly appointed conductor, a certificate setting forth at what sessions of said institute such teacher shall have been in attendance, and any teacher who shall have closed his or her school in order to attend said institute shall not forfeit his or her wages as teacher during such time as he or she shall have been in attendance at said institute, and the certificate hereinbefore provided shall be evidence of such attendance.

(§158.) SEC. 5. For the purpose of defraying the expenses of rooms, fires, lights, or other necessary charges, and for procuring teachers and lecturers, the said superintendent, or the person duly authorized by him to conduct said institute, may demand of the county clerk of each county for the benefit of which the institute is held, who shall thereupon draw an order on the county treasurer of his county for such sum, not exceeding the amount of the institute fund in the county treasury, as may be necessary to defray the expenses of said institute; and the treasurer of said county is hereby required to pay over to said superintendent or duly appointed institute conductor, from the institute funds in his hands, the amount of said order.

(§159.) SEC. 6. In case the institute fund in any county shall be insufficient to defray the necessary expenses of any institute held under the provisions of this act, the auditor general shall, upon the certificate of the superintendent that he has made arrangements for holding such institute, and that the county institute fund is insufficient to meet the expenses thereof, draw his warrant upon the state treasurer for such additional sum as said superintendent shall deem necessary for conducting such institute; which sum shall not exceed sixty dollars for each institute of five days' duration, and shall be paid out of the general fund.

Can a teacher close school without loss of wages and attend an institute? How are the expenses of an institute to be met?

(§160.) SEC. 7. The superintendent is authorized to hold once in each year, an institute for the State at large, to be denominated a State institute; and for the purpose of defraying the necessary expenses of such institute, the auditor-general shall, on the certificate of said superintendent that he has made arrangements for holding such institute, draw his warrant upon the state treasurer for such sum as said superintendent shall deem necessary for conducting such institute, which sum shall not exceed four hundred dollars, and shall be paid out of the general fund: *Provided*, That not more than eighteen hundred dollars shall be drawn from the treasury, or any greater liability incurred in any one year, to meet the provisions of this act.

(§161.) SEC. 8. The superintendent of public instruction, or the conductor of the institute by him appointed, drawing money from the county treasurer, under section five of this act, shall, at the close of each institute, furnish to the county treasurer, vouchers for all payments from the same in accordance with this act, and he shall return to the county treasurer, whatever of the amount that may remain unexpended, to be replaced in the institute fund.

CHAPTER XVI.

NORMAL SCHOOL DIPLOMAS AND CERTIFICATES.

(§163.) SECTION 3. The state board of education shall continue the normal school at Ypsilanti in the county of Washtenaw, where it is now located. The purpose of the normal school shall be the instruction of persons in the art of teaching, and in all the various branches pertaining to the public schools of the State of Michigan: *Provided*, There shall be prescribed for said school a course of study intended specially to prepare students for the rural and the elementary [graded] schools of this State, which shall provide not less than twenty weeks of special professional instruction.

(§164.) SEC. 5. Said board shall provide all necessary courses of study to be pursued in the normal school and establish and maintain in connection therewith a fully equipped

What is the purpose of the State normal school?

training school as a school of observation and practice, and shall grant upon the completion of either of said courses, such diplomas as it may deem best, and such diploma, when granted, shall carry with it such honors as the extent of the course for which the diploma is given may warrant and said board of education may direct.

(§165.) SEC. 6. Upon the completion of the course specially prescribed, as hereinbefore provided for the rural and elementary graded schools, said board of education shall upon the recommendation of the principal and a majority of the heads of the departments of said school, grant a certificate which shall be signed by said board and the principal of the normal school, which certificate shall contain a list of the studies included in said course, and which shall entitle the holder to teach in any of the schools of the State for which said course has been provided for a period of five years: *Provided*, That said certificate may be suspended or revoked by said State board of education upon cause shown by any county board of examination, or by any board of school officers.

(§166.) SEC. 7. Upon the completion of either the advanced courses of study prescribed by said State board, which shall require not less than four years for their completion, said board of education, upon the recommendation of the principal and a majority of the heads of departments of said school, shall issue a certificate to the person completing said course, which certificate shall be referred to in the diploma hereinbefore provided to be granted. Said certificate shall set forth a list of the studies of the course completed and, when given, shall operate as a life certificate, unless revoked by said State board of education.

(§167.) SEC. 8. The board of education shall make such regulations for the admission of pupils to said school as it shall deem necessary and proper: *Provided*, That the applicant shall, before admission, sign a declaration of intention to teach in the schools in this State.

Under what condition can the State normal grant a five-year certificate? A life certificate? What board of education may revoke said certificates? What is one of the requirements for admission to the State normal school?

CHAPTER XVII.

STATE CERTIFICATES TO TEACHERS.

(§168) SEC. 15. Said board shall hold at least two meetings each year, at which they shall examine teachers, and grant certificates to such as have taught in the schools of the State at least two years and who shall, upon a thorough and critical examination in every study required for such certificate, be found to possess eminent scholarship, ability, and good moral character. Such certificate shall be signed by the members of said board and be impressed with its seal and shall entitle the holder to teach in any of the public schools of this State without further examination, and shall be valid for life unless revoked by said board. No certificate shall be granted except upon the examination herein prescribed: *Provided*, That graduates of the literary and scientific departments of the university and of incorporated colleges of the State, shall not be required to teach as a preliminary to taking such examination and certificate.

CHAPTER XVIII.

TEACHERS' ASSOCIATIONS.

(§169.) SECTION 1. *The People of the State of Michigan enact*, Any fifteen or more teachers, or other persons residing in this State, who shall associate for the purpose of promoting education and science, and improvements in the theory and practice of teaching, may form themselves into a corporation, under such name as they may choose, providing they shall have published, in some newspaper printed at Lansing, or in the county in which such association is to be located, for at least one month previous, a notice of the time, place, and purpose of the meeting for such association, and shall file in the office of the Secretary of State a copy of the constitution and by-laws of said association.

How often does the State board of education meet to examine teachers for life certificates? What are the requirements? What number of teachers may unite to form a corporation? What direction is given for forming a corporation?

(§170.) SEC. 2. Such association may hold and possess real and personal property to the amount of five thousand dollars; but the funds or property thereof shall not be used for any other purpose than the legitimate business of the association in securing the objects of its corporation.

(§171.) SEC. 3. Upon becoming a corporation, as hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a corporation, according to the provisions of chapter fifty-five of the Revised Statutes of this State [Chap. 130, Compiled Laws of 1871], so far as such provisions shall be applicable in such case, and not in consistence with the provisions of this act.

CHAPTER XIX.

This chapter relates in a general manner to the requirements of all public officers in regard to the safe keeping of public moneys.

CHAPTER XX.

Act No. 144, Laws of 1883, as amended by Act No. 108, Laws of 1885.

COMPULSORY EDUCATION OF CHILDREN.

(§180.) SECTION 1. *The People of the State of Michigun enact*, That every parent, guardian, or other person in the State of Michigan, having control and charge of any child or children between the ages of eight and fourteen years, shall be required to send such child or children to a public school for a period of at least four months in each school year, commencing on the first Monday of September in the year eighteen hundred and eighty-three, at least six weeks of which shall be consecutive, unless such child or children are excused from such attendanee by the board of the school district in which such parents or guardians reside, upon its being shown to their satisfaction that his bodily or mental condition has been such as to prevent his attendance at

What privileges and restrictions are mentioned? Mention the duties of parents and guardians in regard to sending their children to school?

school, or application to study for the period required, or that such child or children are taught in a private school, or at home, in such branches as are usually taught in primary schools, or have already acquired the ordinary branches of learning taught in public schools: *Provided*, In case a public school shall not be taught for four months during the year within two miles, by the nearest traveled road, of the residence of any person within the school district, he shall not be liable to the provisions of this act.

(§181.) SEC 2. No child under the age of fourteen years shall be employed by any person, company or corporation, to labor in any business, unless such child shall have attended some public or private day school where instruction was given by a teacher qualified to instruct in such branches as are usually taught in primary schools, at least four months of the twelve months next preceding the month in which such child shall be so employed: *Provided*, That a certificate from the director of the school district in which such child shall have attended school shall be evidence of a compliance with the provisions of this act.

(§182.) SEC. 3. Every parent, guardian, or other person having charge or control of any child from eight to fourteen years of age, who has been temporarily discharged from any business or employment, shall send such child to some public or private day school for the period for which such child shall have been discharged, unless such child shall have been excused from snch attendance by the board of the school district, for reasons as stated in section one hereof.

(§183.) SEC. 4. It shall be the duty of the school district board of each district of the State to purchase and furnish, at the expense of the district, such text books as may in the judgment of said board be necessary for the use of children whose parents are not able to furnish the same, the expense of such books to be levied in like manner as other district taxes.

Can children be employed to labor? What is said of unemployed children? Can the district board furnish text-books?

(§184.) SEC. 5. In case any parent, guardian, or other person shall fail to comply with the provisions of sections two, three or four of this act, such parent, guardian, or other person shall be deemed guilty of a misdemeanor, and shall, on conviction, be liable to a fine of not less than five dollars nor more than ten dollars for the first offense, and of not less than ten dollars for each subsequent offense.

(§185.) SEC. 6. It shall be the duty of the officers detailed or appointed under the provisions of this act to assist in the enforcement thereof, to institute, or cause to be instituted, proceedings against any parent, guardian, or other person having legal charge and control of any child, or any person, company, or corporation, violating any of the provisions of sections one, two, three, four and five of this act; and in school districts and cities, and villages of less than five thousand inhabitants, it shall be the duty of the school board to institute, or cause to be instituted, such proceedings.

(§186.) SEC. 7. When any of the provisions of this act are violated by a corporation, proceedings may be had against any of the officers or agents of said corporation, who in any way participate in or are cognizant of such violation by the corporation of which they are the officers or agents, and said officers or agents shall be subject to the same penalties as individuals similarly offending.

CHAPTER XXI.

Act No. 108, Laws of 1885, as amended by Act No. 218, Public Acts of 1889.

COMPULSORY REFORMATORY EDUCATION OF JUVENILE DISORDERLY PERSONS.

(§187.) SECTION 1. In all cities, villages and townships in this State maintaining and supporting a graded school, the board of education, school board or other officer or officers having charge of the schools of said cities, villages and townships may establish one or more ungraded schools for the instruction of certain children, as defined and set forth in the

What penalty for non-compliance is made? What is the duty of truant officers? Where can ungraded schools be established?

following sections, and they may, through their authorized agents or officers, require said children to attend said ungraded schools or any department of their graded schools, as said [board] of education or school board may designate, during the whole or a portion of each school day, as they may direct.

(§188.) SEC. 2. In all cities having a duly organized police force, it shall be the duty of the police authority, at the request of the school authority, to detail one or more members of said force to assist in the enforcement of this act; and in cities, villages, or townships having no regular police force, it shall be the duty of the board of education, or the school district officers, to designate the marshal of such city, or village or one or more constables of said city village or township, whose duty it shall be to assist in the enforcement of this act, as occasion may require, and board of education or school board shall fix and determine the compensation to be paid such officer for the performance of his duties under this act, and shall pay the same from any moneys in their hands raised or provided for the general expenses of the public schools. Members of any police force, marshal or constable designated to assist in the enforcement of this act, as provided in this section, shall be known as truant officers.

(§189.) SEC. 3. The following classes of persons between the ages of eight and sixteen years shall be deemed juvenile disorderly persons, and shall be subject to the provisions of this act:

Class One, Habitual truants from any school in which they are enrolled as pupils;

Class Two, Children who, while attending any public school, are incorrigibly turbulent, disobedient, or insubordinate, or are vicious or immoral in conduct;

Class Three, Children who are not attending any school, and who habitually frequent streets and other public places,

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Is attendance required? How are truant officers appointed? Who are deemed juvenile disorderly persons?

having no lawful business, employment, or occupation, which renders attendance at school impossible.

(2190.) SEC. 4. It shall be the duty of the truant officers, under the direction of the aforesaid school authorities, or their authorized agents to warn alleged truants and incorrigibles, and their parents or guardians, of the consequences of belonging to any of said class of juvenile disorderly persons, as set forth and defined in this act. They shall also, under direction aforesaid, serve written or printed notice upon the parent or guardian of any child belonging to class one, or to class two, as described and defined in section three of this act, that such child must begin regular attendance at auch school within five days of the date of service of such notice.

(2191.) SEC. 5. They shall also under direction, as aforesaid, give written or printed notice to the parent or guardian of any child belonging to class three, as described and defined in section three of this act, that said child is not attending any school and require said parent or guardian to cause said child to begin regular attendance at such school within five days of the date of the service of said notice.

(2192.) SEC. 6. If said parent or guardian, or other person having the legal charge and control of said child shall willfully refuse, fail or neglect to cause said child to attend such school, after notice given, as prescribed in sections four and five of this act, it shall be the duty of said officer to make or cause to be made a complaint against said parent, guardian, or other person having the legal charge and control of such child, before a justice of the peace in the city, village or township where the party resides, except in cities having a recorder's or police court, when complaint shall be made in said recorder's or police court, for such refusal or neglect, and said justice of the peace, police judge, or recorder's court shall issue a warrant upon said complaint and shall proceed to hear and determine the same, and upon conviction thereof said parent, guardian, or other person, as the

What are the duties of truant officers? What courts have jurisdiction?

case may be, shall be punished by a fine not less than ten dollars, nor more than twenty-five dollars, or the court may in its discretion, require the person so convicted to give a bond in the penal sum of one hundred dollars with one or more sureties to be approved by said court, conditioned that said person so convicted shall cause the child or children under his legal charge or control, to attend at such school within five days thereafter, and to remain at said school during a full school term of twenty school weeks, dating from time of beginning of said attendance: *Provided*, That if said parent, or guardian, or other person in charge of said child shall under oath plead inability to cause said child to attend said school, then said parent, or guardian or other person shall be discharged, and said justice of the peace, or court shall, upon complaint of said truant officer, or other person that said child is a juvenile disorderly person, as described in section three of this act, issue a warrant and proceed to hear such complaint, and if said justice of the peace or court shall determine that said child is a juvenile disorderly person within the meaning of this act, then said justice of the peace or court shall thereupon and after consultation with the county agent, sentence said child, if a boy to the reform school at Lansing, or if a girl, to the industrial home for girls at Adrian, as the case may be, for one year, or for a longer term, not extending beyond the time when said child shall arrive at the age of sixteen years, unless sooner discharged by the board of control of said reform school, or industrial home for girls: *Provided, however*, That such sentence may be suspended in the discretion of the said justice of the peace, police judge, or judge of the recorder's court, for such time as said child shall regularly attend school, and properly deport himself for herself: *It is further provided*, That if for any cause the parent, or guardian, or other person having charge of any juvenile disorderly person, as defined in this act, shall fail, after notice as heretofore prescribed in this act, to cause such juvenile disorderly person to attend said school, or if such parent, guardian, or other person shall

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What penalty may be imposed upon the parents and guardians of, and juvenile disorderlies?

make the complaint as provided in this act without proceedings having been taken against him as in this act provided, or if said juvenile disorderly person have no parent or guardian then complaint against such juvenile disorderly person may be made, heard, tried, and determined in the same manner as is provided for in case the parent pleads inability to cause such juvenile disorderly person to attend said school: *And it is further provided*, That no child under the age of ten years shall be sent to the reform school, or industrial home for girls.

(§193.) SEC. 7. When it appears to the school authorities that the parent, guardian, or other person is unable to provide suitable books for said child, said child shall be furnished by the school board with such books as are required in the course of studies pursued in such school, and said books shall be the same in all respects as those in use in other schools in said city, village, or township and no distinction in form, color labeling, or substance shall be permitted. The expense of said books shall be paid for from the school fund of said municipality and levied and collected in the same manner as all other school taxes.

(§194.) SEC. 8. It is further provided that the provisions of act number one hundred and forty-four of the public acts of eighteen hundred and eighty-three, entitled "An act to provide for the compulsory education of children in certain cases," approved May thirty-first, eighteen hundred and eighty-three, limiting such compulsory education to a period not exceeding four months in any one year shall not, so far as said limitation is concerned, have any application to the class of juvenile disorderly persons provided for in this act.

CHAPTER XXII.

REGULATING THE EMPLOYMENT OF CHILDREN.

(§195.) SECTION 1. *The People of the State of Michigan enact*, That no child under the age of ten years shall be em-

What children may not be sentenced? What provisions are made in Sec. 7 and 8? What children cannot be employed?

ployed in any factory, warehouse or workshop where the manufacture of any goods whatever is carried on, or where any goods are prepared for manufacturing.

(§196.) SEC. 2. No child under the age of fourteen years shall be employed by any person to labor in any business, unless such child shall have attended some public or private day school, where instruction was given by a teacher qualified to instruct in such branches as are usually taught in primary schools, at least four months of the twelve months next preceding the month in which such child shall be so employed, except in districts in which only three months of school are taught by a qualified teacher: *Provided*, That a certificate of such attendance from the superintendent of the school, or the director of the school district in which such child shall have so attended school, shall be evidence of a compliance with the provisions of this section, if acted upon by the employer in good faith. If any such superintendent or director shall knowingly make a false certificate he shall be deemed guilty of a violation of this act, and shall be liable to the punishment hereinafter provided.

(§197.) SEC. 3. Certificates given under the preceding section shall be deposited with the employer, at the time of employing any such child, and shall be kept by him on file in his office, and shall, at all times be subject to inspection by the persons authorized to make inspections under this act.

(§198.) SEC. 4. No child, or young person under the age of eighteen years, and no woman, shall be employed in any factory, warehouse workshop or place where the manufacture of any kind of goods is carried on, or where any goods are prepared for manufacturing, for a longer period than an average of ten hours in a day, or sixty hours in any week, and at least one hour shall be allowed in the labor period of each day for dinner.

(§199.) SEC. 5. Every person who shall employ any female in any factory, warehouse, workshop, store or hotel shall provide suitable seats for the use of the females so employed,

Must employer have certificate of attendance at school? What is said of seats for female employes?

and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

(§200.) SEC. 6. Any person, company or corporation who shall violate any of the provisions of this act, shall, for each offense, forfeit a penalty of fifty dollars, to be recovered before any competent court.

(§201.) SEC. 7. In all cities it shall be the duty of the superintendent, or chief officer of police, by suitable inspections, to see that the regulations of this act are observed, and also to prosecute all persons who shall violate the same. Such superintendent, or chief officer of police, shall detail such portion of the force under him as he shall deem necessary, for the inspection, from time to time, of all the aforesaid places where such children or young persons may be employed: *Provided*, That, in the city of Detroit, the board of building inspectors of said city, or any member thereof, shall have concurrent jurisdiction with the superintendent or chief officer of police with like power and authority to personally see that the regulations of this act are observed and also to enter complaint against all persons who shall violate the same. In towns the supervisors thereof shall perform the duties above imposed on the superintendent, or chief officer of police in cities.

(§202.) SEC. 8. The directors of any corporation which shall willfully neglect or refuse to obey the provisions of this act, shall each be liable to the penalties of this act: *Provided*, That the provisions of this act shall not apply to any of the penal, reformatory, or benevolent institutions of this State.

CHAPTER XXIII.

TO PREVENT CRIME AND PUNISH TRUANCY.

(§203.) SECTION 1. *The People of the State of Michigan enact*, That any girl between the ages of ten and seventeen years, or boy between the ages of ten and sixteen years, who

Whose duty is it to enforce the law regulating the employment of children? What girl or boy may be deemed a truant and disorderly person?

shall run away, or willfully absent himself or herself from the school he or she is attending, or from any house, office, shop, farm or other place where such person is legitimately employed to labor, or shall frequent saloons or other places where intoxicating liquors are kept for sale, or shall be found lounging around the same, or shall be found lounging upon the public streets, or other public places of any city or village, against the command of his or her parent or guardian, or shall, without the permission of his or her parents or guardian, attend any public dance, skating rink or show, shall be deemed to be a truant and disorderly person.

(§204.) SEC. 2. Upon complaint upon oath and in writing made before any justice of the peace by the parent or guardian of any girl between the ages of ten and seventeen years, or of any boy between ten and sixteen years of age, or by the supervisor of any township, or the mayor of any city, or president of any village, and in cities of over eight thousand population, by the chief of police, that any such minor has been guilty of any of the acts specified in section one of this act, such justice shall issue his warrant for the arrest of such minor, and upon such conviction, such minor, if a boy, may be sentenced by such justice to the reform school for boys at Lansing; and if a girl, to the State industrial home for girls at Adrian; boys until seventeen years of age and girls until twenty-one years of age, unless sooner discharged according to law: *Provided*, That no person or persons shall be sent to said reform school for boys, or the industrial home for girls until the sentence therein has been submitted to and approved by the circuit judge of the circuit or the judge of probate of the county in which such conviction shall be had.

(§205.) SEC. 3. The same proceedings shall be had upon the trial of any person charged with being guilty of any of the offenses mentioned in section one of this act before the justice before whom such person is brought as are had in trials for misdemeanor, as far as the same are applicable, and the State agent for the care of juvenile offenders of the county

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Who can make a complaint? Give penalty imposed upon conviction? What is the duty of the State agent?

wherein such offenders may be on trial shall have authority and take the same action in the premises as is provided by act number one hundred and seventy-one of the session laws of eighteen hundred and seventy-three of this State.

CHAPTER XXIV.

FREE TEXT BOOKS.

(§206.) SECTION 1. *The People of the State of Michigan enact*, That from and after June thirtieth, eighteen hundred and ninety, each school board of the State shall purchase, when authorized, as hereinafter provided, the text books used by the pupils of the schools in its district in each of the following subjects, to wit: Orthography, spelling, writing, reading, geography, arithmetic, grammar (including language lessons), national and State history, civil government, and physiology and hygiene; but text books once adopted under the provisions of this act shall not be changed within five years: *Provided*, That the text book on the subject of physiology and hygiene must be approved by the State board of education, and shall in every way comply with section fifteen of act number one hundred and sixty-five of the public acts of eighteen hundred and eighty-seven, approved June ninth, eighteen hundred and eighty-seven: *And provided further*, That all text books used in any district shall be uniform in any one subject.

(§207.) SEC. 2. The district board of each school district shall select the kind of text books on subjects enumerated in section one to be taught in schools of their respective districts: *Provided*, That nothing herein contained shall require any change in text books now in use in such district. They shall cause to be posted in a conspicuous place, at least ten days prior to the first annual school meeting from and after the passage of this act, a notice that those qualified to vote upon the question of raising money in said district shall vote at such annual meeting to authorize said district board to purchase and provide free text books for the use of the

What text-books can a district furnish free? When is the vote to be taken? How is a district directed to furnish free text-books?

pupils in said district. If a majority of all the voters, as above provided, present at such meeting shall authorize said board to raise by tax a sum sufficient to comply with the provisions of this act, the district board shall thereupon make a list of such books and file one copy with the township clerk and keep one copy posted in the school, and due notice of such action by the district shall be noted in the annual report to the superintendent of public instruction. The district board shall take the necessary steps to purchase such books for the use of all pupils in the several schools of their district, as hereinafter provided. The text books so purchased shall be the property of the district purchasing the same, and shall be loaned to pupils free of charge, under such rules and regulations for their careful use and return as said district board may establish: *Provided*, That nothing herein contained shall prevent any person from buying his or her books from the district board of the school in which he or she may attend: *Provided further*, That nothing herein contained shall prevent any district having once adopted or rejected free text books from taking further action on the same at any subsequent annual meeting.

(§208.) SEC. 3. It shall be the duty of the district board of any school district adopting free text books provided for in this act to make a contract with some dealer or publisher to furnish books used in said district at a price not greater than the net wholesale price of such books: *Provided*, That any district may, if it so desires, authorize its district board to advertise for proposals before making such contract.

(§209.) SEC. 4. The district board of every school district in the State adopting free text books under this act shall make and prepare annually an estimate of the amount of money necessary to be raised to comply with the conditions of this act, and shall add such amount to the annual estimates made for money to be raised for school purposes, for the next ensuing year. Said sum shall be in addition to the amount now provided by law to be raised; which amount each township clerk shall certify to the supervisor of his township to be assessed upon the taxable property of the respective districts as provided by law for raising the regular

annual estimates of the respective district boards for school purposes, and when collected shall be paid to the district treasurer in the same manner as all other money belonging to said district is paid.

(§210.) SEC. 5. On the first day of February next after the tax shall have been levied, the director of said district may proceed to purchase the books required by the pupils of his district from the list mentioned in section one of this act, and shall draw his warrant, countersigned by the moderator, upon the treasurer or assessor of the district for the price of the books so purchased, including the cost of transportation.

(§211.) SEC. 6. If the officers of any school district, which has so voted to supply itself with text books, shall refuse or neglect to purchase at the expense of the district for the use of the pupils thereof, the text books as enumerated in section one of this act, or to provide the money therefor as herein prescribed, each officer or member of such board so refusing, or neglecting, shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction, shall be liable to a penalty of not more than fifty dollars or imprisonment in the county jail for a period not exceeding thirty days or by both such fine and imprisonment in the discretion of the court: *Provided*, That any district board may buy its books of local dealers if the same can be purchased and delivered to the director as cheap as if bought of the party who makes the lowest bid to the district board: *Provided further*, That school districts in cities organized under special charters shall be exempt from the provisions of this act, but such districts may, when so authorized by a majority vote of their district boards, submit the question of free text books to the qualified voters of said districts. If a majority of the qualified electors vote in favor of furnishing free text books, such district boards shall have authority to proceed under the provisions of this act.

Give penalty for neglect of duty? Does this law apply to city boards of education?

NOTE.

APPORTIONMENT OF SURPLUS DOG-TAX TO SCHOOL DISTRICTS.

Under the provisions of Act No. 198, Public Acts of 1877, as amended by Act No. 283 of the Public Acts of 1881, it is required that in all the townships and cities of the State there shall annually be levied and collected a tax of one dollar upon every male dog and of three dollars upon every female dog. The money thus obtained is to constitute a fund in the several townships and cities for the payment of damages sustained by owners of sheep by reason of having such sheep killed or wounded by dogs. Section six of the law referred to provides that "if money remains of such fund after satisfactory payment of all claims aforesaid in any one year over and above the sum of one hundred dollars, it shall be apportioned among the several school districts of such township or city in proportion to the number of children therein of school age." The apportionment must be based upon the whole number of children of school age residing in the township, and include all districts whether lying wholly or partly in such township. In case of a fractional district in which the school-house is situated in a different township, the money belonging to such district must be paid over to the treasurer of the township in which the school-house is situated, and by that treasurer paid to the district, in the same way as in the case of the one-mill and other taxes.

Act 141 of the Public Acts of 1891 repeals Act No. 214, Public Acts of 1889 providing that, if in any city and any township or part of township adjoining thereto (the same being within one county) any money remains in the fund for payment of losses by killing of sheep by dogs "after the payment of the orders payable out of the same and the amount of said money shall exceed the sum of two hundred dollars, the sum in excess of two hundred dollars shall be apportioned by said county treasurer to the said township or part of township and said city in proportion to the amount contributed to said fund during the preceding year, and the

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What dog tax shall be collected? How shall it be apportioned?

amount so apportioned to any said township or part of township, or said city, shall be respectively apportioned among the several school districts of said township or part of township and said city, in proportion to the number of children therein of school age." The distribution of the surplus will hereafter be made in accordance with the provisions of section 6 of Act No. 198, Public Acts of 1877, as amended by Act No. 283 of the Public Acts of 1881.

[ACT No. 119.]

AN ACT authorizing the introduction of the kindergarten method in the public schools of this State.

SECTION 1. *The People of the State of Michigan enact,* That in addition to the duties imposed by law upon the district board of every school district in this State, they shall also be empowered to provide a suitable room or apartment for kindergarten work, and to supply their district respectively with the necessary apparatus and appliances for the instruction of children in what is known as the kindergarten method.

SEC. 2 In the employment of teachers it shall be competent for such district board to require qualifications for instruction of children in kindergarten methods, and the district board may provide by contract with the teacher for such instruction, specifying the hours and times therefor under such rules as the district board may prescribe.

SEC. 3. All children residing within the district between the ages of four and seven shall be entitled to instructions in the kindergarten department of such district school.

SEC. 4. The powers and duties herein imposed or conferred upon the district shall also be and the same are hereby

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What powers have the district board in regard to kindergarten instruction? What children are entitled to instruction? Does this act apply to all other public schools in this State?

imposed and conferred upon the school trustees or board of education or other body, by whatever name known, managing or controlling the public schools in each city and village of this State; and this act is hereby made applicable to every public school organized by special act or by charter as fully as if they were named herein.

[ACT No. 144.]

AN ACT to authorize the faculty of the department of literature, science and the arts, of the University of Michigan to give teachers' certificates in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That the faculty of the department of literature, science and the arts, of the University of Michigan, shall give to every person receiving a bachelor's, master's or doctor's degree, and also a teacher's diploma for work done in the science and the arts of teaching from said University, a certificate, which shall serve as a legal certificate of qualification to teach in any of the schools of this State, when a copy thereof shall have been filed or recorded in the office of the legal examining officer or officers of the county, township, city or district. Such certificate shall not be liable to be annulled except by the said faculty of the said University; but its effect may be suspended in any county, township, city or district, and the holder thereof may be stricken from the list of qualified teachers in such county, township, city or district, by the legal examining officer or officers of the said county, township, city or district, for any cause and in the same manner that such examining officer or officers may be by law authorized to revoke certificates given by himself or themselves, and such suspension shall continue in force until revoked by the authority suspending it.

To whom can the University of Michigan grant a teacher's diploma? By whom can it be annulled or suspended?

[ACT NO. 327.]

A BILL authorizing the trustees of certain colleges within the State of Michigan to give teachers certificates.

SECTION 1. *The People of the State of Michigan enact,* That the trustees of the several colleges incorporated under the laws of the State of Michigan, and thereby empowered to confer degrees, shall give to every person receiving a bachelor's, master's or doctor's degree a certificate, which shall serve as a legal certificate of qualification to teach in any of the schools of this State, when a copy thereof shall have been filed or recorded in the office of the legal examining officer or officers of the county, city, township or district:

Provided, Such person shall have taken a course in the science and art of teaching in such college, and shall have received a diploma for such work done in addition to his other degree, as hereinafter provided.

SEC. 2. No such certificate shall be given by the trustees of any college that requires less than four years of collegiate work for the bachelor's, master's or doctor's degree in addition to the usual preparatory work for admission to the college, or the University of Michigan; and before any such certificate shall be given, such college shall require candidates for such certificate to complete a course in the science and art of teaching equivalent to five and one-half hours a week for a college year, and such course in the science and art of teaching shall first be submitted to and approved by the State Board of Education.

SEC. 3. It shall be the duty of the said board of education to carefully examine any course of study in the science and art of teaching that may be submitted to them by the trustees of any college, and, if satisfactory, to furnish such trustees with a written certificate approving the same.

SEC. 4. Every teacher's certificate granted by any college, as hereinbefore set forth, shall be countersigned by the Superintendent of Public Instruction, and such certificate shall

What colleges may grant teacher's certificates? What conditions are imposed? By whom must said certificates be countersigned?

not be anulled except by the trustees of the college which gave it, but its effect may be suspended in any county, city, township or district, and the holder thereof may be stricken from the list of qualified teachers in such county, city, township or district, in the same manner and for the same cause that such examining officer or officers may be by law authorized to revoke certificates given by himself or themselves, and such suspension shall continue in force until revoked by the authority suspending it.

SEC. 5. If at any time the said board of education shall conclude that any college, taking advantage of this act, is not giving such instruction in the science and art of teaching as shall be approved by said board, then said board shall so determine by a formal resolution, and shall give notice thereof to the trustees of such college; and thereafter no such teachers' certificates shall be given by such college until said board of education shall be satisfied that proper instruction in the science and art of teaching is given in such college, and shall certify such fact to the trustees of such college.

DIGEST OF DECISIONS.

I.

TOWNSHIP BOARD OF SCHOOL INSPECTORS.

1. The statutory notice of meetings by inspectors must be given, stating the object of the meeting. And no business at a meeting inconsistent with the notice is lawful. Passage v. School Inspectors of Williamstown, 19 Mich., 330.

2. The township board of school inspectors have no power to dissolve a school district erected by special act of the legislature, and to set back the territory into the districts from which it was taken. School District v. Dean, 17 Mich., 223.

3. On the erection and organization of a new township, the inspectors of such township may sever its territory from the school district within which it was formerly embraced, and there is no general provision of law which charges the property within the new township with the obligation to pay any debts created for school purposes, which existed at the time of the erection of the new township. School District No. 1 of Portage v. Ryan, 19 Mich., 203.

4. *Mandamus* will not be granted to disturb an apportionment made by the township board of school inspectors between different districts, acquiesced in for several years, and which if the court could change it has no proof that it ought to. School District No. 3 of Riverside Township v. the Township of Riverside, 67 Mich., 404.

II.

APPEALS FROM ACTION OF SCHOOL INSPECTORS.

5. Under the statute providing for appeals from the board of school inspectors to the township board, the approval of the appeal bond is essential to complete an appeal; and the fact that the bond was presented to the clerk of the board of inspectors, who refused to approve it because it was not witnessed, even though the objection be a frivolous one, made in bad faith and for vexation, will not render the bond sufficient without an approval, since, under the statute, it may be approved also by any justice of the township. Clement v. Everest, 29 Mich., 19.

6. The validity of the action of school inspectors in changing the boundaries of school districts is not affected by the fact that the inspectors were interested parties as taxpayers and residents; the disabling doctrine has no application to those administrative acts which are public, and not with or between private parties. Ibid.

7. The regularity of the action of school inspectors in creating or changing school districts will not be inquired into in a collateral proceeding; their action is the exercise of a public discretionary power, which can only be reviewed, if at all, by some direct appellate process authorized by law and operating upon the proceedings themselves to affirm, reverse or change them. Ibid.

8. Parties appealing under the statute from the action of school inspectors in arranging school districts, to the township board, thereby waive those questions which require judicial review and submit themselves to the discretion of that body; and a *certiorari* to the township board does not open for review the doings of the inspectors. Brody v. Township Board of Penn, 32 Mich., 272.

9. It was never intended that a court should exercise any of these powers of discretionary administration; and when, on such appeal, the township board acted within its jurisdiction, its discretion cannot be reviewed by the courts; and if it did

not, and its acts were void, then under the statute the action of the inspectors, after ten days, is equally intact and beyond disturbance. Ibid.

10. Where, however, the township board, acting without authority, reverses the action of the inspectors, their doings may be overturned; but an order of the board affirming the action of the inspectors, whether properly or improperly, only leaves such action where it would have been without such interference. Ibid.

11. A township board has jurisdiction of appeals from decisions of the board of school inspectors fixing the amount to be paid by an old school district to a new one where the latter comprises part of the same territory, and the former retains the school property. School District No. Five of Pine Township v. Wilcox, 48 Mich., 404.

III.

TOWNSHIP BOARD.

12. An application to the township board to remove the moderator of a school district, on the ground that he persistently refuses to countersign an order drawn by the director of the district on the assessor, involves an inquiry, in which the payee named in the order is an interested party. Stockwell v. Township Board of White Lake, 22 Mich., 341.

13. A proceeding before the township board to remove an officer of a school district, is in the nature of a judicial investigation; and when one of the board is interested in the subject of the complaint, and the presence of such member is essential to the quorum, the proceedings are void. Ibid.

14. When either of the members of the township board is interested in the subject for consideration, he is not "competent or able to act," in the sense of the statute; and such incompetency will justify the calling in of one of the remaining justices. Ibid.

15. Every special tribunal appointed by law is subject to the maxim that no person can sit in any cause in which he is a party, or in which he is interested. Ibid.

16. The removal of a school district assessor by the township board is reviewable on *certiorari.* Merrick v. Township Board, 41 Mich., 630.

17. Costs awarded by the supreme court in a proceeding by *certiorari* against persons composing a township board to review their official acts, are to be collected like township charges, and not by execution against the officers personally. Stockwell v. Township Board of White Lake, 22 Mich., 341.

18. Proceedings by a township board to remove a school director are not invalidated by the fact that it did not meet to agree on the notice under which the proceedings were taken. Wenzell v. Township Board of Dorr, 49 Mich., 25.

19. The primary school law does not authorize the township board to remove the moderator for hiring her husband to teach the district school and agreeing to pay him more than is necessary to secure a better teacher. Hazen v. Town Board of Akron, 48 Mich., 188.

20. In providing that the school director shall keep the necessary school-house furniture in due order and condition, and that his expenses shall be subsequently audited and paid, it is not intended that money must be put into his hands beforehand. Township Board of Hamtramck v. Holihan, 46 Mich., 127.

21. The township board is exclusive judge of the facts on which it is authorized to remove a school director, and its proceedings can only be reviewed by the circuit and supreme courts on questions of law. Ibid.

22. Proceedings by a township board to remove a school director cannot properly be taken until the action of the proper authorities has been invoked by complaint of some definite violation of duty; but where the plaintiff admits the charges set up against him, and expressly desires the board to act on them without further delay, he cannot afterwards

complain that they did so. Geddes v. Township of Thomastown, 46 Mich., 316.

23. The action of a town board in removing a school director is final, unless speedily brought up for review. Ibid.

24. The willful refusal of a school director to sign a contract made with a teacher, or to accept and file it, or draw orders for the teacher's pay while it is pending, and his obstinate neglect to furnish necessary school-house supplies, may be taken into account in proceedings for his removal. Ibid.

IV.

ORGANIZATION OF SCHOOL DISTRICTS.

25. There should be some special and extraordinary reason to justify interference by *quo warranto* with the organization of a school district, as the statutes provide a speedier remedy by an appeal from the inspectors to the township board. Lord v. Every, 38 Mich., 405.

26. When a school district had enjoyed its franchises for five years, during most of which time proceedings to inquire into the validity of the organization had been pending by *quo warranto* and writ of error instead of the speedier statutory process of appeal, the supreme court declined to review its organization on technicalities. Ibid.

27. The legal organization of a school district actually exercising its corporate powers, cannot be collaterally questioned in contesting a title based on a school tax. Stockle et al. v. Silsbee, 41 Mich., 615.

28. A *certiorari* to review proceedings whereby a new school district has been created out of old districts, must be applied for before the district has been organized and assumed the functions of a corporation; after that time the proper course is to take measures to try the legality of its corporate existence by *quo warranto*, or other direct proceeding against the alleged corporation or its officers. Fractional School District No. 1 of Owosso, etc., v. School Inspectors of Owosso, etc., 27 Mich., 3.

29. *Certiorari* addressed to the assessor of a school district is wholly unsuited as a remedy to test the legal organization and existence of the district, as the errors, if any there are, lie back of any action of the assessor, and are to be found in the action of the township authorities. Jaquith v. Hale, 31 Mich., 430.

30. It has always been the policy of the Mich. school laws that no primary school district should contain more than nine sections of land. Simpkins et al. v. School District No. 1 of Michigamme et al., 45 Mich , 559.

31. Township school inspectors cannot enlarge a graded school district by adding unorganized territory, though they may, with the consent of the trustees, transfer to its jurisdiction territory previously organized into primary districts. Ibid.

32. Injunction lies to restrain the sale, for school taxes of lands unlawfully included within the taxing district. Ibid.

33. A writ of *certiorari* to bring up proceedings for the formation of a school district will not be sustained if after its issue, and without good reason, it has been allowed to sleep until the organization has been completed, a tax voted and contract made for building a school-house, and interests established which cannot be overturned without public inconvenience and injury and individual damage. Parman v. Board of School Inspectors, 49 Mich., 63.

34. Where *certiorari* issues to bring up proceedings for the formation of a school district, the papers on which it was allowed must be served with it. Ibid.

35. Where there has been actual notice of proposed proceedings by joint boards for the formation of a new school district out of several old ones, mere informalities in the issue of such notice are not jurisdictional defects; nor is the fact that it covers territory not actually taken. Ibid.

36. The statutory requirement for notice of the meeting of a township board of school inspectors to alter the boundaries of a school district, is jurisdictional, and proof of posting such notice should be filed with the clerk of the

board, before any action is taken. Coulter et al. v. Board of School Inspectors of Grant and Arthur Townships, 59 Mich., 391.

37. In the absence of the consent of the owners of lands which have been taxed for building a school-house within three years last preceding the date of their proposed transfer to another district, such transfer is illegal; and the fact that the detached territory was not at the same time attached to another district will not legalize such transfer. Ibid.

38. The statutory requirement for notice of the meeting of a township board of school inspectors to alter the boundaries of a district is jurisdictional, and until such notice has been given, and proof of posting made, as required by law, the inspectors have no power to act. Fractional School District No. 3, of Martin, Watson and Wayland Townships v. Boards of School Inspectors of said Townships, 63 Mich., 611.

39. Where a *de facto* school district has exercised its franchises and privileges for over *two* years, it is presumed to have been *legally* organized, and it is too late to litigate that question in law or equity. School District No. 3 of Everett Township v. School District No. 1 of Wilcox Township, 63 Mich., 51.

40. The statutory provision requiring the town clerk to give notice of every meeting of the board of school inspectors of his township, existing prior to the 1881 amendment, was imperative, and the apportionment by the inspectors of the valuation of school property, on the formation of a new district, at a meeting held without such notice, was *void;* and a bill in equity will lie in the name of the old district to enjoin the assessment and collection of a tax to satisfy the amount so apportioned as its share of such valuation. Ibid.

41. A township board of school inspectors may under *one notice*, and at *one meeting*, by *separate action*, detach lands from *separate* school districts and attach them to one district. Doxey v. The Township Board of School Inspectors of Martin Township, 67 Mich., 601.

42. Where the action of a board of school inspectors in *detaching* territory from a district, without the consent of a majority of the resident taxpayers, and *attaching* it to another district, left land enough in the former for school purposes, they may afterwards consolidate such remaining territory, with the consent of its remaining tax-payers, with any other district which gives a like consent. Ibid.

43. At a school meeting to vote on the question of dissolving the district, 18 votes were cast in favor of the proposition, and 9 against it. Every person present who possessed the qualifications of a voter at any school meeting was allowed to vote, without reference to sex, or whether or not he or she was a resident tax-payer. Ten or more persons who were not resident tax-payers voted, and some of the legal tax-payers did not vote, and some were not present. *Held*, that the consent of a majority of the resident tax-payers had not been obtained as required by Howell's Statutes §5041, Briggs v. Borden et al., School Inspectors, 38 N. W. Rep., 712.

44. A bill will lie, at the suit of resident tax-payer, to restrain the board of school inspectors from selling a school house and site, furniture, etc., under color of a void attempt to dissolve the district to which such school-house, etc., belongs. Ibid.

45. Under Howell's Statutes §5041, providing that school districts cannot be divided or consolidated without the consent of a majority of the resident tax-payers of each district, a return by the board of school inspectors, stating that the persons consenting are a majority of the resident tax-payers of the districts, is conclusive as to such fact, though the consent filed by the districts does not state that the persons are a majority. Gentle v. Board of School Inspectors of Colfax Township, 40 N. W. Rep., 928.

46. Proceedings for organizing a new school district, taken without giving the full ten days' notice required by Howell's Statutes §5040, are not rendered valid by the filing of a consent by a majority of the citizens of each district affected, such consent being required by §5041, as the notice is a juris-

dictional requirement, and the minority have a right to be heard, and a right to the full notice required. Ibid.

47. *Quo warranto* is the proper remedy to determine the legal existence of a school district, and the right of particular persons to exercise the offices of moderator, assessor and director. People ex rel., Roeser et al., v. Gartland, Moderator, et al., 42 N. W. Rep., 687.

48. Under Howell's Statutes §5033, providing that no school district shall contain more than nine sections of land, a district containing five full sections and eight fractional sections, the whole not exceeding in quantity of land nine full sections, is legal. Ibid.

49. The statutory provision concerning the election of school district officers by ballot is mandatory, but where such officers have been unanimously elected by *vive voce* vote at a regular meeting, no other persons claim to have been elected, and they are qualified and are acting, they will not be ousted by *quo warranto*. Ibid.

V.

DISTRICT MONEYS, WARRANTS AND ORDERS.

50. An action for money had and received will lie in favor of a school district to recover district moneys received by its assessor, and which after expiration of his term of office he refuses on demand to pay over to his successor, and an action upon the assessor's bond is not the exclusive remedy; the bond is required as additional security, but it does not supercede the officer's individual responsibility. Mason v. Fractional School District No. 1 of Scio and Webster, 34 Mich., 228.

51. An assessor cannot lawfully withhold the district funds in his hands, when the same are properly demanded by his successor, a fortnight after the latter has been regularly elected and has accepted and qualified, upon any claim that he is entitled to be first personally notified officially of such election and acceptance; he is chargeable with notice of these facts without any personal certification thereof. Ibid.

52. An official treasurer cannot defend an action to make him turn over to his successor the funds in his official custody, upon any questions of the regularity of the proceedings whereby the funds came into his possession. Ibid.

53. The assessor of a school district is the lawful treasurer and depository of school district funds, and all moneys must pass through his hands and be paid out by him on proper orders. School District No. 9 of Midland v. District No. 5 of Midland, 40 Mich., 551.

54. A showing of a want of funds is a complete answer to an application for *mandamus* to require an assessor of a school district to pay an order drawn on him in favor of a school teacher. Allen v. Frink, 32 Mich., 96.

55. It is not necessarily the duty of the moderator of a school district to countersign an order upon the assessor drawn by the director. He has a right to satisfy himself that the claim for which it was drawn is a valid one, and that it was drawn by the director in the proper performance of his duty. Stockwell v. Township Board of White Lake.

56. The disbursement of all school moneys is required by the statute to be made by orders drawn on the assessor by the director and countersigned by the moderator; and all moneys belonging to the district in the town treasurer's hands are required to be paid to the assessor on warrants drawn by the director and countersigned by the moderator. The assessor is made treasurer of the district, and required to hold all district moneys until properly drawn out by warrant. It is made the express duty of the director to draw and sign warrants upon the township treasurer, payable to the assessor, for all moneys raised for district purposes, or apportioned to the district by the township clerk, and present them to the moderator to be signed; and it is made the duty of the moderator to countersign such warrants. Burns v. Bender, 36 Mich., 195.

57. District moneys in the hands of the town treasurer are not subject to be applied to any district purpose except through the hands of the assessor. And the duty of suing to thus transfer them into the custody of the assessor, if

qualified, is laid on the director; and the duty of procuring this transfer within some reasonable time is not discretionary, but absolute. The moderator is bound under ordinary circumstances to countersign all orders of the director for that purpose; and if he refuses in a proper case to do so, *mandamus* will lie to compel him. Ibid.

58. The statute making it the duty of the director to present the warrant to the moderator for signature, he may properly be a relator to obtain it by compulsion of law when refused. He is the proper custodian of the completed warrant, for the purpose of delivery to the assessor. Ibid.

59. The query is suggested, whether the assessor would not also be a competent relator. Ibid.

60. The town treasurer has no authority to make payments of district moneys even to the assessor, except upon the warrant prescribed by statute; and no payment not authorized by warrant is a valid official payment, such as to preclude the district from holding him responsible for moneys lawfully in his hands. Payments made otherwise than in the prescribed mode are made in his own wrong, and cannot diminish the fund for which he is responsible. Ibid.

61. Respondent occupying the double position of moderator and town treasurer, is not thereby authorized to set up his previous illegal disbursements of the district moneys as treasurer as an excuse for not doing his duty as moderator; his double functions will not relieve him in one capacity from doing his duty in another. Ibid.

62. Warrants drawn by the officers of school districts upon the township treasurer for school moneys are not negotiable, and the treasurer is under no obligation to pay them except to the district assessor. Fox v. Shipman, 19 Mich., 218.

63. An order drawn upon the township treasurer by the director and countersigned by the moderator of a school district, payable to A, or bearer, is void upon its face. The director has no power to draw any order on the township treasurer for any money of the district in his hands, payable to any one but the district assessor, who is the disbursing

officer of the district. Fractional School District No. 4 of Macomb and Chesterfield v. Mallary, 23 Mich., 111.

64. The statute expressly requiring the township treasurer to pay the amount of taxes raised for school purposes to the order of the school district officers, his liability therefor is distinct from his ordinary liability for township moneys, and cannot be released or in any way affected by the action of the township board. Jones v. Wright, 34 Mich., 371.

65. A township treasurer has no right to receive for school moneys anything which the law has not authorized to be so received, and if he chooses to do so and to receipt for the taxes, he must make good the amount. Ibid.

66. A town treasurer can pay school moneys only to the school district assessor, and then only on the warrant of the proper district officers. School District No. 9 of Midland v. School District No. 5 of Midland, 40 Mich., 551.

67. A school district at an annual meeting may lawfully recognize and pay equitable claims, even though they are not strictly legal demands against it. Stockdale v. School District No. 2 of Wayland, *et al*, 47 Mich., 226.

68. A vote to issue school district bonds in settlement of a demand, if in excess of the limit fixed by law, may be sustained up to the legal limit. Ibid.

69. A corporate act which can only be taken by a two-thirds vote, cannot be rescinded by a bare majority. Ibid.

70. School orders, payable to bearer, when sold, without indorsement, at a discount, and it not appearing that the vender was asked or made any representations as to their character or consideration, it was held that in the absence of false representations or of fraud, the purchasers took them for what they were worth, and had no cause of action against the vendor. White *et al* v. Robinson, 50 Mich., 73.

71. A *mandamus* will lie to compel a township treasurer to pay to the assessor of a school district so much of the money in his hands as is covered by the warrant of the director of the district drawn in favor of the assessor and in proper form, even though it does not specify a precise sum

but is for all such money in his hands as was raised for the purposes of the school district and belonged thereto. Bryant v. Moore, 50 Mich., 225.

72. The custodian of public funds is bound to make payments on a proper warrant to the extent of the moneys lawfully in his hands, and cannot refuse on the ground that his right to the custody of the remainder is disputed. Ibid.

73. *Mandamus* to compel the payment of money may be granted so far as concerns a portion of the demand, while as to the rest the application is dismissed. Ibid.

74. When the moderator and assessor of a school district are sued upon an order signed by them, a finding that it was signed on a false and fraudulent statement that the school director approved and would sign it, and on condition that it should be of no force unless he did sign it, and the farther finding that there was no purpose to contract except for the district, defeats an action thereon in the absence of any showing of subsequent action creating contract relations, or of any action by defendants, taken with a knowledge of the facts and estopping them personally. Kane v. Stowe, 50 Mich., 317.

75. *Mandamus* to compel a school district assessor to pay a school order was allowed where the court was satisfied there was no valid defense. Martin v. Tripp, 51 Mich., 184.

76. Interest from the time of demand may be allowed in granting *mandamus* for the payment of a school order when it is such a settled demand as would sustain a recovery of interest at law. Ibid.

77. *Mandamus* will lie on relation of a school district assessor to compel the clerk of a township to which the district formerly belonged, to certify to the supervisor of the township to which it now belongs the amount ascertained by the school inspectors as due to the new district from what remained of the old district out of which it was erected. Ramsey v. Clerk of Everett Township, 52 Mich., 344.

78. A town treasurer refusing to pay a warrant drawn in favor of the assessor, whose official character is not questioned, on the ground that the moderator, who has been

recognized as such by the other district officers, is not a legal officer, assumes a serious responsibility. The court issued a *mandamus* requiring the town treasurer to pay the order. School District No. 8 of Tallmadge Township v. Root, Town Treasurer, 61 Mich., 373.

VI.

TEACHERS' CONTRACTS AND CERTIFICATES.

79. When a contract for hiring a teacher has been signed by the director of the school district and by the teacher, and the moderator writes upon it "approved," and subscribes it as moderator, such approval and signature will be treated as in legal effect a signature of the contract by such moderator. Everett v. Fractional School District No. 2 of Cannon, 30 Mich., 249.

80. The provision of the statute that the contract for hiring a school teacher shall require the teacher to keep a correct list of the pupils, and the age of each attending school, etc., imposes the duty upon the teacher of keeping such list, and this becomes in legal effect a part of his contract, whether the written contract expressly stipulates for it or not. Ibid.

81. The provision of the statute requiring the keeping of a list of pupils, etc., to be inserted in the contract is merely directory, and does not render invalid a contract from which such requirement has been omitted, provided it be good in other respects and entered into in good faith. Ibid.

82. A school district is a municipal corporation and cannot be garnished even by its own consent, unless the debtor also consents. School District No. 4 of Marathon v. Gage, 39 Mich., 484.

83. It is against public policy to allow the wages of persons in public employments to be reached by garnishment. Ibid.

84. School management should always conform to those decent usages which recognize the propriety of omitting to hold public exercises on recognized holidays; and it is not

lawful to impose forfeitures or deductions for such proper suspension of labor. All contracts for teaching during periods mentioned must be construed of necessity as subject to such days of vacation, and there can be no penalty laid upon such observances, in the way of forfeitures or deduction of wages. School District No. 4 of Marathon v. Gage, 39 Mich., 484. [NOTE.—The legal holidays established by statute are New Year's day (January 1), Washington's birth-day (February 22), Decoration day (May 30), Independence day (July 4), Christmas day (December 25), and any day appointed by the president or governor as a day of fasting and prayer, or of general thanksgiving. Whenever a legal holiday falls on Sunday, the Monday next succeeding is to be observed instead. Act No. 124, Laws of 1865, as amended by Act No. 163, Laws of 1875, and Act No. 208, Laws of 1881.]

85. If a teacher is employed for a definite time, and, during the period of his employment, the district officers close the schools on account of the prevalance of contagious diseases, and keep them closed for a time, and the teacher continues ready to perform his contract, he is entitled to full wages during such period. The act of God is not an excuse for non-performance of a contract unless it renders performance impossible; if it merely makes it difficult and inexpedient, it is not sufficient. Although under such circumstances it is eminently prudent to dismiss school, yet this affords no reason why the misfortune of the district should be visited upon the teacher. Dewey v. Union School District of Alpena, 43 Mich., 480.

86. The statute empowers the board of trustees of a graded school district to employ all teachers necessary, and what teachers are necessary is left to be decided by the sound discretion of the trustees. The making of a contract with a teacher is within the authority of a board of trustees, and, when made, neither the trustees nor the voters at an annual meeting have the power to impair its obligation. Tappan v. School District No. 1 of Carrollton, 44 Mich., 500.

87. In a suit by a teacher on a contract, the plaintiff is not bound to produce the contract as proof of her certificate of

qualification, and it is not error to allow her to give parol proof that she has one. School District No. 1 of Manistee Township v. Cook, 47 Mich., 112.

88. In an action by a teacher on a contract, where it was alleged as error that the contract was allowed in evidence without proof that those who acted for the school district in making it were not authorized, it was held that this allegation did not sufficiently present the objection that the officers of the district were not competent to bind it by a contract extending beyond the current year, especially as there was evidence that the officers were in possession and presumptively competent, and there was no evidence that they were not authorized to employ teachers. Ibid.

89. A school teacher cannot be lawfully employed excepting at a meeting of a board. Hazen v. Lerche, 47 Mich., 626.

90. A contract with a teacher, if signed by a majority of the board, is presumptively valid on its face and admissible in evidence without further proof. The payment by the assessor, without objection, of orders drawn on him by the director and moderator for salary of teacher estops the district from denying validity of contract under which such services were rendered, and amounts to a ratification of the contract, and direct proceedings by the district board are not essential to such ratification. Crane v. School District No. 6 of Bennington Township, 61 Mich., 299.

91. A teacher's contract is sufficiently executed if signed by the director and assessor. Simultaneous signing is not necessary. Halloway v. School District No. 9 of Ogden Township, 62 Mich., 153.

92. School district officers should know under what authority a teacher assumes to act, and cannot, by failing to hold meetings, set up their own wrong as a defense to an honest claim. A contract signed by the required number of officers, under which the teacher is permitted to teach with knowledge of the entire board, will be presumed valid. A contract valid on its face and fully performed, with acquiescence of all concerned, cannot be repudiated. Ibid.

93. Although Howell's Statutes §4969, declares that a certificate from the state normal school shall serve as a certificate of legal qualification to teach when filed in the county, city, township or district, failure to file it until after making a contract to teach is no defense to an action for salary earned after it was filed. Smith v. School District No. 2 of Pleasant Plains, 39 N. W. Rep., 567.

94. The general policy of the school law is that schools shall be taught by qualified teachers, but necessities may arise where this cannot be done. A district may be unable to find a qualified teacher Where the employment of an unqualified teacher is a necessity, the school district is authorized to employ one who has not the proper certificate, if the school board are satisfied that the teacher is otherwise qualified, and to pay such teacher out of the moneys belonging to the district. But the primary school moneys and mill tax cannot be applied to that purpose. State ex rel. Hale v. Risley, Moderator, 37 N. W. Rep., 570.

95. Under Howell's Statutes §5154, which provides that the secretary of the board of school examiners shall have power to grant special certificates of qualification to teachers, which shall not continue in force beyond the next public examination by the board, the secretary has no power four days after such examination, to grant a special certificate to a person who had been teaching under a special certificate granted by the secretary, but who failed to pass the public examination. Lee v. School District No. 2 of Alcona Township, 38 N. W. Rep., 867.

96. The fact that a third person, at a public examination of teachers, acted with a majority of the board of examiners in conducting the examination, does not invalidate the proceedings, and a person who failed to pass cannot complain where it does not appear that such third person had anything to do with her failure to get a certificate. Ibid.

VII.

LIABILITIES OF DISTRICTS.

97. The director of a school district is not legally entitled to compensation from the district for his services. Hinman

v. School District No 1, 4 Mich., 168. [NOTE.—The law is since changed so as to authorize compensation to be voted by the district. General School Laws of 1889, §27.]

98. Where two districts are united under the statute, the new district is alone liable for all the former debts of each; and a judgment afterwards rendered against one of the former districts is a nullity. Brewer v. Palmer, 13 Mich., 104.

99. Charts or cards containing the multiplication table, practical forms of business contracts, and also brief mention of prominent historical events, and designed for use in school-rooms, are held not to be necessary appendages for the school house, within the meaning of the statute, such as the director is required to provide. Gibson v. School District No. 5 of Vevay, 36 Mich., 404.

100. There was no such necessity for the purchase of these charts as would bring the case within the principles of School District v. Snell (See ¶ 103), 24 Mich., 350. Ibid.

101. The purchase of these charts by the director, without instruction from the district board, being unauthorized and void as to the district, his retention of them, and occasionally placing them in the school-house, could not operate as a ratification by the district of his unauthorized purchase. Ibid.

102. Orders due from one district to another are not enforceable by *mandamus* at the suit of one to whom they have been assigned. Maltz v. Board of Education, 41 Mich., 547.

103. Where the officers of a school district purchased for the district a set of bound books and some blanks, suitable for the purposes of the district, at their fair value, and while the district was not properly supplied with such materials, in the absence of any showing that the discretion of such officers was abused or exceeded, the district is liable. School District No 4 of Easton v. Snell, 24 Mich., 350.

104. One school district that has wrongfully received money belonging to another cannot, in an action by the latter to recover it, require any strict proof of the regularity of the

proceedings authorizing it to be collected. School District No. 9 of Midland v. School District No. 5 of Midland, 40 Mich., 551.

105. Where a school district is parceled out among three other existing districts, the latter cannot be held jointly liable for a debt of the former district; whatever they are bound to pay must be a several, and not a joint obligation. Halbert v. School Dists., etc., 36 Mich., 421.

106. The statute having confided the management of suits brought against a school district to the assessor when no other direction has been given by the voters in district meeting, the moderator and director, though constituting a majority of the district board, have no authority to take the defense of a suit from the assessor; the control of suits is not among the powers or duties confided by the statutes to the district board. School District No. 4 of Rush v. Wing, 30 Mich., 351.

107. The suggestion that the action of the assessor in this case was such as to be evidence of an adverse interest is disregarded; such a suggestion might be made in any case where the assessor had refused to yield his legal authority to another. Ibid.

108. A judgment for costs against the district on the dismissal of an appeal taken in the name of the district by the director, without the authority or assent of the assessor, on the ground that the district had not appealed, is held to be erroneous. Ibid.

109. Costs are not awarded against the school district in this court, on a writ of error brought without authority of the assessor, to review such dismissal. Ibid.

110. A *mandamus* will lie to compel a school district to pay orders issued by it, even though the district has since been subdivided where statutory provision for distributing the original liability has not been carried out. Turnbull v. Board of Education, 45 Mich., 496.

111. Interest upon orders issued by a school district is denied upon granting a *mandamus* to compel their payment if no authority has been given to impose it. Ibid.

VIII.

TUITION OF NON-RESIDENT PUPILS.

112. Before any action can be maintained under the statutes, for the tuition of non-resident pupils, the district board must first fix and determine the rate of tuition of such pupils; and this should be by resolution of the board, properly recorded by the director in the records of the district; and the fact that such action has been taken, cannot be shown by parol, if objected to. Thompson v. School District No. 6 of Crockery, 25 Mich., 483.

IX.

ADMISSION OF COLORED CHILDREN TO SCHOOL.

113. The amendment to the primary school law of 1867—Laws of 1867, vol. 1, p. 42 [General School Laws of 1889, §45,]—giving equal rights in the schools to all residents, is applicable to the city of Detroit, and precludes the board of education of that city from excluding a child from any public school on the ground of color. People v. Board of Education, 18 Mich., 400.

X.

SCHOOL SITES AND SCHOOL-HOUSES.

114. Notice of a meeting of the board of school inspectors to change a school-house site is necessary. Andress v. School Inspectors of Williamstown, 19 Mich., 332. (See ¶1 preceding.)

115. The board of inspectors have no power to change a school-house site on a written request of a majority of qualified voters of the district except in cases where the site has been fixed by them because the inhabitants were unable to agree upon a site. Ibid.

116. The jurisdiction to condemn lands for a school-house site is invoked by presenting to the proper officer a petition designating the site and showing disagreement with the owner as to compensation for it. Smith v. School District No. 2 of Milton, 40 Mich., 143.

117. In proceedings to condemn land for a school-house site, the circuit judge is not required to act in preference to a circuit court commissioner. Ibid.

118. When the owner of land that is sought for a school-house site is represented at the proceedings to condemn it, he is deemed to waive objection to jurors if he does not challenge them at the time. Ibid.

119. When the petition, notice, *venire*, finding and commissioner's certificate in proceedings to condemn land for a school-house site are regular on their face, and show full compliance with statutory requirement, the proceedings are presumed regular, and if the parties interested were represected, and omit, on filing the proceedings, to make a sworn showing to the circuit court of any other defects—such as an omission to designate the site to the jury—they cannot rely on it thereafter. Ibid.

120. A school district contracting for the building of a school-house within a stated time is bound to furnish a suitable site therefor within such reasonable time that the constructors shall not be delayed on their part. Todd et al. v. School District No. 1 of Greenwood, 40 Mich., 294.

121. Under a contract for the construction of a school building, which provides that the work shall be "executed in the best and most workman-like manner, and agreeably to such directions as may be given from time to time" by the architect or his assistant [the local superintendent of the work, employed by the district], "and to his full and entire satisfaction, without reference thereon to any other person;" that all claims for alterations or extras were to be judged of, determined, and adjusted "solely by the superintendent," and that payment should be made on the certificate of the architect, or superintendent, partly on monthly estimates, from time to time, and the balance on comp etion of the building; whatever passed under the inspection of the superintendent as the work progressed, and was in good faith approved by him, expressly or by implication, was not open to objection on the part of the district afterwards; and the certificate of the architect was not a condition precedent to the right of

the contractor to recover for the work so approved. Wilday v. Fractional School District No. 1 of Paw Paw and Antwerp, 25 Mich., 419.

122. Variances from such a contract which have been treated at the time as immaterial by both parties will not afterwards be held to be departures from the contract; and what was regarded at the time as substantial compliance with its terms, constitutes a performance in law. Ibid.

123. Intentional departures from such contract, made without the consent, express or implied, of the district officers, architect, or superintendent, and in disregard of their directions, would not bar a recovery for other portions of the work which was duly approved; but the district would have a right to insist on the proper changes in the work to make it conform to the contract, and to recover any damages sustained by the failure. Ibid.

124. The mere fact of taking possession and occupying the building by the district for their schools, after the time when, by the contract, it was to be completed, would not, of itself, constitute an acceptance which should bar any claim on the part of the district to insist upon a rectification of any faults, or the payment of any damages they may have suffered by the failure in strict compliance; but the fact of making payments afterward without objection, the manner of taking possession, and whether with or without objection to any variation, would have an important bearing on the question of fact, whether any rights were intentionally waived, or whether there was a purpose to accept the building as completed in substantial compliance with the contract. Ibid.

125. *Mandamus* will not lie to compel a circuit judge to overrule his finding that the proceedings taking for the condemnation of a site for a school-house were irregular, and to compel him to enter judgment for the amount found due. School District No. 5 of the Township of Delhi v. The Circuit Judge for Ingham County, 49 Mich., 432.

126. Proceedings to condemn land for a school-house site will be quashed if there is no lawful designation thereof

shown by the records. Heck v. School District No. 2 of Essex, 49 Mich., 551.

127. The school law (Act 164 of 1881) permits land to be condemned for school purposes only when a site has been lawfully determined, and it confines the power of the township inspectors to determine the site to cases where the inhabitants themselves cannot do it. And it seems that more than one site cannot be designated except by the inhabitants. Ibid.

129. The justice to whom the petition for the condemnation of land for a school-house site is presented, is not empowered to hear evidence or pass on any of the merits. Ibid.

130. Where proceedings to condemn land for a school-house site are brought before a jury, proof of a legal selection of a site must be made to them, and without it they cannot find it to be necessary to condemn it. Ibid.

131. A lease to a school district, to hold the property "during the time it is used for school purposes," is a lease in perpetuity at the will of the lessee; and as the lessee is a corporation, and words of inheritance are not required, the lease, if a present consideration is paid, really operates as a bargain and sale, and conveys a base or determinable fee. This is sufficient to satisfy the provisions of the school law, which requires a title in fee or a lease for ninety-nine years where land is to be secured for erecting a stone or brick school-house. School District No. 5 of Delhi v. Everett, 52 Mich., 314.

132. After the lapse of a dozen years it is too late to disturb the title to a school-house site by mere questions of regularity in the proceedings to designate it. Ibid.

133. A *surety* on a bond given to secure the performance of a contract for building a school-house cannot recover of the trustees of the district for moneys due him for materials furnished in the erection of the building, by reason of their failure to require the contractor to execute the statutory bond provided for by act No. 94, Laws of 1883. Owen v. Hill et al., 67 Mich., 43.

134. Whether such trustees are liable *in any event* for such neglect of duty, query,—Sherwood and Champlin, J. J., holding them so liable, and Campbell, C. J., and Morse, J., reserving their opinion on the subject. Ibid.

XI.

GRADED AND HIGH SCHOOLS.

135. The right of school authorities in union school districts of this State to levy taxes upon the general public for the support of high schools, and by such taxation to make free the instruction of children in other languages than English, is sustained. Stuart v. School District No. 1 of Kalamazoo, 30 Mich., 69.

136. A school district which has assumed to possess and exercise all the rights and franchises of a regularly organized corporation for thirteen years, with entire acquiscence of everybody, is not liable to have the regularity of its organization, or of the legislation under which it acted, called in question thereafter in a merely private and collateral suit. Ibid.

137. Whether or not the statute of limitations applies in terms to a case where it is not so much the organization of the school district that is questioned as its authority to establish a high school and levy taxes therefor, it is strictly applicable in principle. Ibid.

138. The organization claimed and asserted by the district being that of a union school district, the presumption of organization arising from its user of corporate power must be that of such an organization as its user indicates, and whether or not an acquiescence for the statutory period of two years will raise the presumption of regular organization, one of thirteen years certainly will. Ibid.

139. The State policy of Michigan on the subject of education, and of the territory before the State was organized, beginning in 1817 and continuing down until after the adoption of the present constitution, having been reviewed and considered the conclusion as reached that there is nothing in our state policy, or in our constitution, or in our laws, re-

stricting the primary school districts of the State in the branches of knowledge which their officers may cause to be taught, or the grade of instruction that may be given, if the voters of the district consent in regular form to bear the expense and raise the taxes for the purpose, or to prevent instruction in the classics and living modern languages in these schools. Ibid.

140. The power to make the appointment of a superintendent of schools in a union school district is one that is incident to the full control which by law the district board has over the schools of the district. Ibid.

141. The decree below, dismissing the bill filed in this case to restrain the collection of such portion of the school taxes assessed against the complainants for the year 1872 as has been voted for the support of the high school in the village of Kalamazoo and for the payment of the salary of the superintendent is affirmed. Ibid.

142. The board of trustees of a graded school have authority to purchase a piano for the purposes of a high school. Knabe et al. v. The Board of Education of the City of West Bay City, 67 Mich., 262.

143. When the law gives the board of trustees power to prescribe the course of studies, it gives them the authority to provide *means* to carry the power into effect. Ibid.

XII.

LIBRARY MONEYS.

144. The treasurer of the board of school inspectors, and not the township treasurer, is the proper custodian of the township library money; and the latter officer, on proper demand, is bound to pay it over to the former, and is not entitled to withhold it until it is drawn by the inspectors as needed for specific appropriations; and *mandamus* will lie to enforce the performance of this duty. McPharlin v. Mahoney, 30 Mich., 100.

145. It is sufficient grounds for an application for *mandamus* to enforce such payment, that the township treasurer,

when an order was properly drawn on him by the inspectors for such money, but for an amount slightly in excess of the money in his hands, refused to pay over what he had, not upon the ground that the order was too large a sum, but upon the distinct assertion that he was himself the proper custodian of the funds, and was not bound to pay them over except as they were required by the inspectors for specific purposes. Ibid.

146. Under the constitution and statutes, all moneys which are paid into the office of the county treasurer, on account of fines, penalties, forfeitures, and recognizances, are to be credited to the library fund, and apportioned and paid over by the treasurer to the proper local officers, without any deduction for expenses, either attending the collection of the particular sums paid in, or embracing the general criminal expenses of the county. Board of Education of Detroit v. Treasurer of Wayne County, 8 Mich., 392.

XIII.

MISCELLANEOUS.

147. A communication, representing that a certain person was of bad moral character, and wholly unfit to teach and have the care of a district school, made to a township superintendent by persons interested in a particular school within his jurisdiction, for the sole purpose of preventing the issue to the person so charged of a license to teach the school, is held to be a privileged communication, and not actionable. Wieman v. Mabee, 45 Mich., 484.

148. An action will not lie on a communication relating to personal character, if made in good faith and for an honest purpose by persons concerned, and to the proper person. Nor will it lie when such a communication is untrue, if it is not maliciously made. Ibid.

149. A school director has authority, in the exercise of a sound discretion, to buy new seats for a school-house under a resolution adopted at the annual meeting of the school

district "that the school board fix the school-house ready for the winter term." McLaren v. Town Board of Akron, 48 Mich., 189.

150. Act 164 of 1881, in authorizing the removal of a school district officer for illegally using or disposing of any of the public moneys entrusted to his care, does not cover a charge of conspiring with a woman moderator to hire her husband as teacher and pay him more than was necessary to obtain a good teacher. Ibid.

151. If one or two parties claiming the office of moderator obtains a judgment of ouster against co-claimant and is recognized by the director and assessor, he becomes an incumbent of the office *de facto*, and his action will be respected while in office. School District No. 8 of Tallmadge Township v. Root, Town Treasurer, 61 Mich., 373.

152. The practice of taking "informal ballots" at regular elections has no legal sanction, may mislead voters, and is open to grave abuse and is so held when indulged in at annual school meeting. Ibid.

153. A line fence around the school-house site is a "necessary appendage" within the meaning of the statute. "Appendages" under the school statutes includes fuel, fences, and necessary out-houses. The duty of the director to provide the same is not confined to the school term. They should be on hand when the school opens. It then becomes his duty to keep the same in repair, as also the school-house. Creager v. School District No. 9 of Wright Township, 62 Mich., 101.

154. Direction for the payment of primary school money apportioned by the superintendent of public instruction as between districts, if accompanying the apportionment, cannot be altered or modified by the town clerk. Moiles, Assessor v. Watson, Treasurer, &c., 60 Mich., 415.

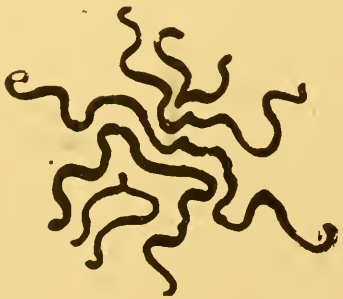
155. Title of *de facto* officer will not be tried on application for *mandamus*. Ibid.

156. The mother of a child included in the school census of the district, who had resided therein more than three

months, and was more than twenty-one years of age, was entitled to vote at a school meeting for school trustees, though the constitution of Michigan limits the right of suffrage to males, as the constitutional qualifications do not apply to officers for which the legislature has the right to provide, among which are school trustees. Belles v. Burr *et al.*, 43 N. W. Rep., 24.

(NOTE—This decision does not apply to cities whose charters provide that school officers shall be voted for on the same ballot with other municipal officers at a general election. See Mudge v. Jones, 59 Mich., 165.

157. A rule by a school board that "pupils who shall in any way deface or injure the school building, out houses, furniture, maps, or anything else belonging to the school, shall be suspended from school until full satisfaction is made" will not be enforced against a boy who accidentally breaks a window glass. Such a rule will not be sustained where the act was done merely through carelessness or negligence, but it must be willful or malicious to warrant suspension from school. Joseph H. Holman v. Trustees of District No. 5, Township of Avon. Opinion filed Nov. 8, 1889.



QUESTIONS ANSWERED.

From Michigan School Moderator.

Q. Has a parent or interested person the right to examine the papers of pupils who have done the work in an examination?

Ans. He should have, but I know of no law that would compel a teacher or examiner to permit persons to examine such papers, unless it be a resolution of the school board.

Q. Has a school board the right to require the submission of examination papers and the markings thereon to a parent or other interested person?

Ans. They have the right, but it is very poor policy to ask a teacher to do so, especially if there is dissatisfaction concerning the result of the examination. The teacher should be fair and impartial and the school board should consider themselves competent to judge as to his fairness.

Q. Has a school board the authority to require pupils to enter at the first of a certain term, and refuse to receive them at other times?

Ans. Decidedly no. They may refuse to receive them into certain grades or departments, but it is the duty of the school board to receive them into some part of the school and give such instruction as in the judgement of superintendent or teacher the pupils require.

Q. Has a school board authority to suspend pupils for irregular attendance, which irregularity is not absolutely necessary?

Ans. No. The law requires attendance at school and if parents do not comply with the law they may be punished according to law, but a pupil cannot be suspended from school for irregular attendance no matter whether such absence is necessary or not. A pupil who runs away from school and persistently violates a legal rule of the school board may be dismissed from the school. See Chapter XX of the school laws.

Q. Can a school board make contract with teachers for another year when the terms of office of a majority of its members expire before the beginning of the school year?

Ans. Yes. The organization of a school board is continuous and there is no such thing in law as a new board and an old board although its membership may change. Many school boards employ teachers for two and three years.

Q. A school board at a full meeting votes to hire a teacher and no contract is drawn in writing but is made and signed in the near future at convenience and not at a meeting called for that purpose. Is such a contract valid?

Ans. Yes. The law intends that a contract shall be authorized at a regularly called meeting of the board by a vote of the members present. It should be signed by the teacher and a majority of the board, but it matters little when and where the signing is done.

Q. Is a teacher's contract binding if made and signed by members of the board individually i. e., a contract not authorized at a meeting?

Ans. Such a contract does not bind the district; it only binds the person who signed it.

Q. What are the duties of directors in regard to drawing up and furnishing contracts to teachers who have been engaged by the board?

Ans. See paragraph 5, section 21, chapter 3 of the school laws.

Q. Should teachers who hold a normal school or state certificate be required to pay an institute fee?

Ans. Emphatically, yes.

Q. Should grade examinations be held for graduations from country schools on any other days than those selected by the department of public instruction ?

Ans. Certainly. There is no reason why such examinations may not be held any time teachers or commissioners may choose to arrange for them. The department is willing to prepare questions for February and May examinations and it is desired that examinations be held uniformly throughout the state.

Q. Can a county board of examiners renew a certificate without requesting the teacher to be examined ?

Ans. Yes; by the conditions of a bill recently passed by the Legislature of 1893. Amendment reads as follows : The board of examiners shall have the right to renew without examination the certificates of persons who shall have previously obtained an average standing of at least 85 per cent on all branches covered in two or more previous examinations, and who shall have been since that examination, continuously and successfully teaching in the same county.

Q. What is the minimum age of teachers in Michigan ?

Ans. Seventeen years. Recently fixed at seventeen by the Legislature.

Q. Is it the duty of the chairman of the township board of school inspectors to visit schools ?

Ans. No; only as it is the duty of all persons who patronize a school. There is no law that makes it his duty. The commissioners may appoint an assistant visitor but such visitor is not necessarily an inspector. See section 10, Act 147, 1891.

Q. Is the director of a district required by law to call a special school meeting when a petition is presented to him signed by more than five voters ?

Ans. Yes. If petitioners are legal voters, otherwise not. See section 17, chapter II. of the school laws.

Q. Has the date of the regular March examination been changed ?

Ans. Yes. It will begin on the last Thursday of March in the future.

Q. Is it necessary for a school inspector to give a bond before he enters upon the duties of his office?

Ans. The law requires that the chairman of the board of school inspectors shall be the treasurer thereof, and shall give a bond to the township in double the amount of moneys to come into his hands during his term of office. See section 2 of chapter IV. of the School Laws.

Q. May the voters of an Upper Peninsula township organize at any other time than the time of the annual township meeting?

Ans. Section 1 of act 176, Session Laws of 1891, provides that the petition signed by a majority of the qualified electors shall be filed in the office of the township clerk at least fifteen days prior to the annual township meeting. The same section declares that the vote to organize the single district shall be taken at the annual meeting, and makes no provision for such a vote at any other time. If you have neglected the matter this spring it will be necessary for you to wait until April, 1894.

Q. Has a teacher any right to make up for lost time by teaching on Saturday or a holiday?

Ans. No; unless it is agreed to by the district board.

Q. When the voters at the annual meeting have voted a certain sum to be paid the director for his services, has he any right to make out a bill for any incidental work he may have done and which the law says shall be done by the director?

Ans. No; he should be paid for material he furnishes the district, but receive no extra compensation for his services.

Q. Are both school inspectors members of the township district as organized under act 176, Public Acts of 1891?

Ans. There was evidently an error made in the printing of the bill after it became a law. It was the intention of the originators of the law as well as the school men who urged

its passage, that the board should be composed of two trustees, the township clerk and the two school inspectors, but in section two of the law the word inspector is used in the singular, while in the fourth section the inspector whose term of office will soonest expire shall be president of the board, etc. The attorney general gives it as his opinion that the board consists of five members.

Q. Is an alien eligible to hold the office of commissioner of schools?

Ans. Some officers by provisions of law must be naturalized citizens and electors to be eligible to hold a public office, but act 147, Public Acts of 1891, prescribe the conditions of eligibility of the school commissioner. The requirements may be found in section three of the act above referred to. It is not necessary that the commissioner be an elector. The word *person* is used instead of *elector*, therefore, any person, male or female, alien or naturalized, who possesses the other qualifications, may legally hold the position.

Q. Should the institute fee be collected of persons who take a teachers' examination, who are not yet sixteen years of age?

Ans. Section 1 of chapter 15 of the school laws reads as follows: "All boards shall collect, at the time of examination, from each male applicant for a certificate, an annual fee of one dollar, and from each female applicant for a certificate, an annual fee of fifty cents." This law says nothing about collecting the fee from those who do not, on account of age, ask for a certificate. My decision would be that institute fees should be collected of all those who take the teachers' examination who have not already paid fees during the year without regard to age.

Statement. Pupils reside in Selma township, and belong in a fractional district of Waring township. Clerk of Waring township apportions primary money to the district, counting only those who reside in his township.

Ans. The report of the number of children in the fractional district is sent to the clerk of the township in which the schoolhouse is located, and it is his duty to apportion the

primary money to the district according to the number of pupils reported in that district whether they all reside in that township or not. You are entitled to your share of the primary money on the pupils who reside in your township if they belong to the fractional district of the other township, the same as though they lived in that township.

Q. A tax for the current expenses of the school year was voted at a school meeting. Director neglected to include the amount in his report, therefore tax was not levied by supervisor. Can the school board borrow money to support school?

Ans. Section 9, chapter 3, of the school laws reads thus: "When a tax has been estimated and voted by the district board under the provision of this section, and it is needed before it can be collected, the district board may borrow to an amount not exceeding the amount of said tax." This, it seems, is sufficiently clear to justify you in borrowing the amount voted. The error of the director in not reporting the amount voted should not prevent your having a school during the year. To borrow money it is necessary for the members of the board in their official capacity to give a joint note for the amount desired.

Q. Should classification registers be furnished district schools by the commissioner at the expense of the county?

Ans. There is no law which requires the commissioner to supply these books. In some counties boards of supervisors have allowed accounts for the purchase of registers, but the commissioner is not authorized by law to furnish them.

Q. Is there any law which prohibits a teacher from introducing a switch into a school room when it becomes necessary?

Ans. The school law provides that school boards shall prescribe rules for the government of the schools; but the whole tendency of the law is to discourage corporal punishment. There are, however, plenty of court decisions sustaining teechers in administering punishment. If you "introduce a switch" be sure that you introduce it in a proper spirit.

Q. How many days in a school month? I was engaged to teach five months. How many days am I required to teach?

Ans. To the first twenty days,—four weeks of five days each. To the second, one hundred days. Legal holidays are counted as days taught.

Q. What are all the causes for which a schoolboard may dismiss a teacher? I was dismissed from school for being incompetent to govern the school—so claimed by the schoolboard—when they forbade me from punishing a pupil.

Ans. It would be difficult for me to specify all the causes for which a district board might have occasion to declare a forfeiture of a contract. If you were a legally qualified teacher, and met fully all the requirements of your contract, they have no right to dismiss you from the school; or if they, by their acts, made it impossible for you to meet the requirements of your contract, then they are liable for your wages for the full time, and also for damages, in certain cases. If, however, you were deficient in discipline, or in methods of teaching, and cannot properly instruct a school; or if, with their support, you could not govern the school, the school board might be justifiable in declaring your contract forfeited, although you may have taught the school to the best of your ability.

Q. Should people who move into a district in the fall for the purpose of sending their children to school, be required to pay tuition?

Ans. If the people you speak of come to your village with their families to reside for the winter, they are legal residents of the district, even if they intend to move away in the spring. They are entitled to the privileges of the school the same as other residents, and the school board cannot legally require them to pay tuition.

Q. Children of parents residing in district No. 3 go into district No. 5 and live with a married sister during the winter, for the purpose of attending school. Are they residents of the district?

Ans. Such children are non-residents, and if they attend the school are subject to the rules of the school board as to paying tuition. The childrens' residence is with their parents, and they cannot be considered as residents of the district unless their parents reside in the district.

Q. Is a graduate of the Agricultural College eligible to hold the office of commissioner of schools?

Ans. Yes. It would be presumptous to suppose that any person of average ability, who has graduated from a four year's course in any of our State institutions, would not be eligible to hold this office; and there is no court that would not so decide.

Q Is a person who owns a watch a legal voter at a school meeting ?

Ans. Yes. A person holding property liable to taxation is a legally qualified voter on questions involving the raising of money at school meetings. A watch is property liable to taxation as much a any personal property, and therefore the owner would be entitled to vote. The law should be amended so as to distinguish more definitely between those who really pay taxes, and those who do not.

Q. A teacher has been teaching without a written contract. The director has ordered the school closed because the teacher has been exposed to scarlet fever. Can he collect pay for the time thus lost ?

Ans. No. If the teacher holds a written contract he can collect pay for all time lost by reason of his school being closed on account of the fear of the breaking out of a contagious disease.

A teacher serving a district without a written contract, may collect such pay for services rendered as a court may award, provided such teacher held a valid certificate of qualification covering the period of employment. The amount of compensation must be determined just as though there had been no previous verbal agreement between the district board and the teacher. The teacher cannot hold the district for any terms of agreement unless the same were incorporated in the

written contract; consequently the board may terminate the employment of the teacher at any time they choose, provided there is no written contract.

Q. Should a first and second grade certificate be granted by an examining board to one of its own members without requiring him to do work in the examination?

Ans. No, emphatically no. The law plainly declares that the applicant shall pass a satisfactory examination. There is nothing satisfactory about an examination when no examination work is done, and a certificate granted to a person who has done only a small part of the work is not granted according to the requirements of the law. The examination is a protection to the faithful, earnest and competent teachers, and is not intended as a bore to any one, and an examining board that grant certificates to one person without an examination insults the candidate who has to do the entire work of the examination.

Q. Has a commissioner a legal right to indorse a third grade certificate granted in another county?

Ans. There is no law authorizing the commissioner to indorse third grade certificates granted in another county, and I am of the opinion that if commissioners wish to recognize certificates of other counties, their only legal way is to grant a special certificate valid in the county to the date of the next public examination.

Q. Should a person who pays an institute fee of $1 in August, 1892, be required to pay again if he failed in August, and attends the March examinations?

Ans. Yes. The school year begins and ends September 1, and a receipt for the payment of the institute fee should certify that the fee has been paid for the year ending September 1.

Q. Can any penalty be inflicted on the board of school inspectors for neglect to make report required by the Superintendent of Public Instruction?

Ans. Yes. Section 4, of chapter 13, of the School Laws, reads as follows :

SEC. 4. If any board of school inspectors shall neglect or refuse to make and deliver to the township clerk the annual report as required by this act, within the time limited therefor, they shall be liable to pay the full amount of money lost by their failure, with interest theron, to be recovered by the township treasurer in the name of the township, in an action of debt, or on the case; and if any township clerk shall neglect or refuse to transmit the report herein mentioned within the time limited therefor, he shall be liable to pay the full amount lost by such neglect or refusal, with interest thereon, to be recovered in an action of debt, or on the case.

Q. 1—Is it necessary for an adjourned meeting of a board of school inspectors to transact business other than that mentioned in the notice of the original meeting?

Ans. I find no law which limits the power of the board of inspectors at an adjourned meeting any more than at an original meeting. It is always necessary to give notice of a meeting called for the purpose of making alterations in the boundaries of a school district.

Q. 2—Should the members of the board be served with a notice of said adjourned meeting?

Ans. No. There is no provision of law requiring a notice to be served at any time.

Q. 3—A certain district was organized into a graded school by a vote of 59 to 5. Illegal votes were cast. Would such a vote annul the organization?

Ans. Illegal votes should be thrown out, and if after such votes are discarded the necessary number have not voted in favor of the question, it is lost, otherwise not.

Q. 4—Can any authority legally detach territory from a graded school, organized according to the provisions of chapter X of the school laws?

Ans. Yes; by complying with the provision of section IV of the same chapter.

Q. 5—May territory be detached legally from a bonded district?

Ans. I find nothing in the law to restrict it. See answer to question from above.

Q. 6—Under the new law authorizing boards of examiners to renew certificates, will it be legal for the Wayne county board to renew the certificate of a teacher holding a certificate granted by the Oakland county board ?

Ans. No. The new law reads as follows: "The board of examiners shall have the right, however, to renew without examination the certificate of persons who shall have previously obtained an average standing of at least 85 per cent on all branches covered in two or more previous examinations, and who shall have been since that examination continuously and successfully teaching in the same county.

Q. 7—Does the law compel the farmer to build half of the fence around the school house lot when the lot is taken wholly out of his land ?

Ans. Personally, I believe that the district should build all the fence and keep it in repair, but there is nothing in the school law or in the decisions regarding school matters touching the duty of school districts in fencing their grounds. In building line fences, if the adjoining lands and the district cannot agree as to the share each should build, the matter should be referred to the fence viewer of the township.

Q. In contemplating the division of a district, can the board of schol inspectors act independently of the majority of the tax-payers?

Ans. "No district shall be divided into two or more districts without the consent of a majority of the resident taxpayers." A board of inspectors may detach territory from a district independently of the taxpayers, but they cannot legally divide it into two or more districts without the consent of the legal voters.

Q. Are boards of inspectors empowered to unite two or more districts into one district?

Ans. Not without the consent of a majority of the taxpayers of each district. A majority of both districts is not sufficient.

Q. Have inspectors the power of calling a meeting for the purpose of dividing a district without being authorized by a petition of at least five resident taxpayers?

Ans. Yes. The law requires the clerk to give ten days' notice, but a petition of voters is not necessary.

Q. Are all the districts that support libraries entitled to a copy of the Michigan Manual?

Ans. No. The resolution passed by the legislature of 1893 gives one to each graded school in the State. There are 572 graded schools in the State that will be thus favored.

Q. Has there been any change in the law relative to the conducting of the State teachers' institute made by the Legislature of 1893?

Ans. No. An excellent bill was introduced by Rep. Hoyt, of Ottawa county, but there is no prospect of its passage.

Q. Is the Superintendent of Public Instruction required by law to furnish printed copies of the Michigan School law to all who apply?

Ans. No. The law concerning such distribution may be found in section 3 of chapter I., and reads as follows: The Superintendent of Public Instruction shall compile and cause to be printed all general laws relating to schools, together with all necessary forms, * * * and shall transmit the same to the several officers intrusted to the care and management of said schools.

Q. Do any of the amendments made by this legislature go into effect before the August examination of teachers?

Ans. None of them have been given immediate effect, and hence do not become a part of the law until ninety days after the close of the session.

The amendments made by the legislature of '92 and '93 go into effect August 27, 1893.

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